

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: October 20, 2005

Opposition No. 91152775
Opposition No. 91154020
Opposition No. 91156355

Lipton Investments, Inc. and
Conopco, Inc.

v.

Lifemax, LLC

By the Trademark Trial and Appeal Board:

On November 12, 2004, applicant filed express abandonments of involved application Serial Nos. 76253981, 76254405, and 76254406 under Trademark Rule 2.68.¹

However, the applicable rule is Trademark Rule 2.135, which provides that if, in an inter partes proceeding, the applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant.

¹ The copy of the abandonment that applicant filed did not become associated with the proceeding file. Following the Board's issuance of an order requiring opposers to show cause why judgment should not be entered against it, opposers' counsel contacted the Board attorney assigned to this case by telephone on October 13, 2005 and indicated that applicant had filed an abandonment of the involved application. Opposer's counsel transmitted copies of the express abandonments on October 17, 2005.

Accordingly, because opposers' written consent to the abandonments is not of record, judgment is hereby entered against applicant, the oppositions are sustained and registrations to applicant are refused.²

² The order to show cause that Board issued on October 6, 2005 is vacated.