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Commissioner for Trademarks
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Ricks

Mailed: November 4, 2004

Opposition No. **91161771**

DC COMICS

v.

PacNet, Inc.

On October 6, 2004, applicant filed an abandonment of its application Serial No. 76533167¹.

Trademark Rule 2.135 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 applicant.

In view thereof, and because opposer's written consent to the abandonment is not of record, judgment is hereby entered against applicant, the opposition is sustained and registration to applicant is refused.

***By the Trademark Trial
and Appeal Board***

¹ The Board notes that applicant cited the incorrect serial number on its October 6, 2004 notice of abandonment. The application serial number 76/533,166 was involved in Opposition number 161,772 which the Board sustained on October 19, 2004.