

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

CBG

Mailed: April 12, 2005

Opposition No. 91162267

DONALD NEVIN

v.

BROOKSTONE PURCHASING, INC.

On March 10, 2005, applicant filed an abandonment of its application Serial No. 78280294 under Trademark Rule 2.68.

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.

Accordingly, 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.¹

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

¹ In view thereof, all pending motions are moot.

