

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

Baxley

Mailed: April 25, 2005

Opposition No. 91164393

Ladies Workout Express
Franchise Corporation
Corporation

v.

Coastal Fitness Centers

By the Trademark Trial and Appeal Board:

On March 30, 2005, applicant filed a paper with the Board indicating that it has no intention of using the involved mark "now or in the future." The Board will treat this paper as an abandonment of involved application Serial No. 76566231 without opposer's written consent.¹

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.

¹ Applicant's abandonment does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said abandonment is forwarded herewith to counsel for opposer.

