

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

coggins

Mailed: December 7, 2006

Opposition No. 91166548

UNDERCOVER SYSTEMS, INC.

v.

DECKS UNDER COVER, INC.

**Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:**

On November 8, 2006, the Board suspended proceedings herein pending disposition of opposer's motion for summary judgment (filed October 24, 2006); however, on November 10, 2006, applicant filed an abandonment of its application Serial No. 76546387.

Trademark Rule 2.135 provides that if, in an inter partes proceeding, 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*