

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

Mailed: March 7, 2007

Opposition No. 91175422

BBK Tobacco & Foods Inc

v.

Health Enhancement Systems,  
Inc.

**Angela Campbell, Paralegal Specialist:**

On March 7, 2007, applicant filed an abandonment of its application Serial No. 78837398, without prejudice, with opposer's consent.

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, applicant is allowed thirty days from the mailing date of this order in which to submit opposer's **written** consent to the abandonment, failing which the opposition will be sustained and registration to applicant refused.