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

FSW

Mailed: May 5, 2008

Opposition No. 91178435

Dial Brands Holding, Inc.

v.

J&J Technology, LLC

Opposer's withdrawal (filed December 27, 2007) of its motion for summary judgment, and its later-filed renewed motion for summary judgment (filed February 6, 2008) are noted.

However, on March 27, 2008, applicant filed an abandonment of its application Serial No. 76651843 without opposer's written consent.[1] Trademark Rule 2.135 provides that if, in an inter partes proceeding, the applicant files an

[1] Applicant's abandonment was not signed by Jordan S. Weinstein, the attorney whose name has been included in the signature block; rather his name was "penned" by another, who indicated the penned signature by the initials "RSB." The Board further notes that 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. Given that the paper filed is an express abandonment resulting in judgment against applicant in this proceeding, the Board has considered the filing and Mr. Weinstein will not be required to resubmit it. Further, a copy of the abandonment will be forwarded to opposer to facilitate this matter.

Mr. Weinstein is instructed to familiarize himself with Trademark Rule 2.119 regarding proof of service, and Trademark Rule 2.17(a) and Patent and Trademark Rules 10.14 and 10.18, requiring that the attorney who files a paper with the Office sign the paper him/herself to show that he/she has read the paper and affirms that there is a sound basis for its filing.

abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against applicant.

In view thereof, judgment is hereby entered against applicant, the opposition is sustained and registration to applicant is refused.

By the Trademark Trial and Appeal Board