

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

dmd

Mailed: September 26, 2008

Opposition No. 91178823

Opposition No. 91180399

Aquatrols Corporation of
America, Inc.

v.

Monsanto Technology LLC

On September 17, 2008, the Board abandoned application Serial Nos. 77041214 and 77141664, and dismissed the above captioned opposition proceedings with prejudice.

Now before the Board is opposer's opposition to applicant's motion to dismiss and opposer's cross motion for judgment. The motion is granted.

In support of its motion, opposer states that applicant, on September 16, 2008, without opposer's written consent, expressly abandoned the two opposed applications, and without opposer's written consent, filed a motion to dismiss the two oppositions in view of the express abandonments.

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, the Board's order dated September 17,
2008, is hereby vacated. Furthermore, because opposer's
written consent to the abandonments is not of record, judgment
is hereby entered against applicant, the oppositions are
sustained and registration to applicant is refused.

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