

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

mc/al

Mailed: August 20, 2009

Opposition No. 91188894

philosophy, inc.

v.

Dakar, Sonya

On April 27, 2009, applicant filed its answer to the notice of opposition along with an abandonment of its application Serial No. 77482766 in International Class 003 only.

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 as to *International Class 003 only*.

International Classes 5 and 32 will be forwarded to the Trademark Service for issuance of the registration.

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