

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

mc/gcp

Mailed: June 6, 2011

Opposition No. 91190897
Opposition No. 91192533
Opposition No. 91192535
Opposition No. 91197723

Hershey Chocolate &
Confectionery Corporation
and The Hershey Company

v.

The Allan Candy Company
Limited

By the Trademark Trial and Appeal Board:

On May 25, 2011, applicant, pursuant to Trademark Rule 2.68, filed an express abandonment with prejudice of its application Serial Nos. 77578827, 77268291, 77268488, the subject applications of the four above-captioned proceedings.¹

However, the applicable rule is Trademark Rule 2.135, which 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 the applicant.

¹ The Board notes that all the abandonments were filed in the parent case of these consolidated proceedings, i.e., Opposition No. 91190897.

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In view thereof, and because opposers' written consent to the abandonments are not of record, judgment is hereby entered against applicant in each of the opposition proceedings, each of the opposition proceedings consolidated herein is sustained and registration to applicant is refused with regard to each involved application in these consolidated cases.