

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

gcp

Mailed: March 2, 2011

Opposition No. 91194553

Kellogg North America Company

v.

Radlo Foods LLC

By the Trademark Trial and Appeal Board:

On January 12, 2011, the Board sent a notice of default to applicant because no answer had been filed.

The record shows no response thereto. The Board also notes that opposer has only opposed the registration of the International Class 30 goods of applicant's involved multiple-class application. The Board further notes that, on November 23, 2010, applicant filed an abandonment of its subject application Serial No. 77620901 in Opposition No. 91193087, a related Board proceeding also concerning applicant's involved mark.

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.

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In view thereof, and because opposer's written consent to the abandonment is not of record and since applicant has failed to file an answer in this case, judgment is hereby entered against applicant in this proceeding solely in regard to the goods identified in Class 30, the opposition is sustained only with respect to the Class 30 goods, and registration to applicant is refused with regard to the Class 30 goods. See Fed. R. Civ. P. 55, and Trademark Rule 2.106(a).

Notwithstanding the foregoing, applicant's application Serial No. 77620901 will be abandoned in its entirety.