

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

Baxley

Mailed: July 13, 2010

Opposition No. **91194852**

Iovate Health Sciences U.S.A.
Inc., Iovate Health Sciences
International Inc., Pump US
Trademark Ltd., Six Star US
Trademark Ltd.

v.

Athletic Edge Nutrition Inc

By the Trademark Trial and Appeal Board:

On June 29, 2010, applicant filed an abandonment of its application Serial No. 77832598.¹

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.

Because opposers' written consent to the abandonment is not of record, judgment is hereby entered against applicant,

¹ Such application is also subject of Opposition Nos. 91194239 and 91194344. Applicant filed the abandonment in both of those proceedings, but did not file a copy of the abandonment herein. A copy of the abandonment has been entered in the Board file for this proceeding.

the opposition is sustained and registration to applicant is refused.²

² The notice of default that the Board issued herein on July 6, 2010 is vacated.