

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

DUNN

Mailed: September 5, 2012

Opposition No. 91200813

Cheeseburger Restaurants,
Inc. and Cheeseburger In
Paradise, Inc.

v.

Pfoodman Holdings, L.L.C

On August 20, 2012, applicant filed an abandonment of its application Serial No. 76703052 under Trademark Rule 2.68.¹

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.

Accordingly, because opposer's written consent to the abandonment is not of record, judgment is hereby entered

¹ The abandonment was not filed with Board but in the application file. The Board has copied the abandonment for the proceeding file. See TBMP §602.01 (3rd ed. 2011) ("An abandonment of an opposed application should be filed with the Board, and should bear at the top of its first page both the application serial number, and the opposition number and title.").

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

*By the Trademark Trial
and Appeal Board*

² All pending motions are made moot by this order.