

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

MBA/kk

Mailed: September 25, 2012

Opposition No. 91201631

SWIMC, Inc.

v.

True Value Company

On September 6, 2012, applicant filed an express abandonment of its application Serial No. 85083225, with prejudice, and without opposer's written consent. However, on September 5, 2012, the parties filed a stipulation to withdraw the opposition without prejudice and the counterclaim with prejudice. The Board construes the parties' stipulation as opposer's consent to applicant's abandonment of application Serial No. 85083225.

In view thereof, application Serial No. 85083225 stands abandoned with prejudice, the opposition is dismissed without prejudice and the counterclaim is dismissed with prejudice. See Trademark Rule 2.135.

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