

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

kk/gcp

Mailed: May 10, 2012

Opposition No. 91202637

Eden Beauty Concepts, Inc.

v.

Botica Comercial
Farmaceutica Ltda

By the Trademark Trial and Appeal Board:

On April 5, 2012, applicant filed a construed request for consent judgment solely in regard to opposer's asserted claim of lack of a *bona fide* intent to use the involved marks in commerce as of the filing date of applicant's subject applications. The Board notes that opposer has also asserted a claim of priority and likelihood of confusion.

By order dated April 9, 2012, the Board allowed opposer time in which to advise the Board whether it wishes to proceed with its asserted claim of priority and likelihood of confusion, notwithstanding applicant's construed request for consent judgment, failing which the Board would enter judgment against applicant and sustain the opposition only in regard to opposer's claim of lack of a *bona fide* intent to use the marks.

On April 30, 2012, opposer filed a communication with the Board stating that it does not wish to proceed with its asserted claim of priority and likelihood of confusion and that it consents to entry of judgment against applicant and the sustaining of the opposition solely based on opposer's claim of lack of a *bona fide* intention to use the involved marks.

In view of the foregoing, judgment is hereby entered against applicant only in regard to opposer's claim of lack of a *bona fide* intent to use the involved marks as of the filing date of applicant's subject applications, the opposition is sustained solely in regard to this claim, and registration to applicant is refused. Opposer's asserted claim of priority and likelihood of confusion is dismissed without prejudice as moot.