

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**P.O. Box 1451**  
**Alexandria, VA 22313-1451**  
General Contact Number: 571-272-8500

MT

Mailed: April 2, 2014

Opposition No. 91212957

Potbelly Sandwich Works LLC

v.

Jonathan S Swire

By the Trademark Trial and Appeal Board:

On April 1, 2014, applicant filed an abandonment of its application Serial No. 85896812 under Trademark Rule 2.68.

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 the applicant.

Accordingly, because opposer's written consent to the abandonment is not of record, judgment is entered against applicant, the opposition is sustained and registration to applicant is refused.