

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

GCP

Mailed: December 3, 2015

Opposition No. 91220132

Caterpillar Inc.

v.

DiversiTech Corporation

By the Trademark Trial and Appeal Board:

On November 17, 2015, Applicant filed an abandonment of its involved application Serial No. 86067988 pursuant to the parties' settlement agreement and with an allegation of Opposer's consent. Applicant did not submit a copy of the parties' settlement agreement with its abandonment.

By order dated November 18, 2015, the Board allowed Applicant until December 3, 2015 in which to submit Opposer's written consent to Applicant's abandonment of its involved application, failing which judgment would be entered against Applicant, the opposition would be sustained, and registration to Applicant would be refused.

On December 3, 2015, Opposer filed its written consent to the abandonment.

In view thereof, application Serial No. 86067988 stands abandoned, and the opposition is dismissed without prejudice. *See Trademark Rule 2.135.*