

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

GMM

Mailed: May 1, 2017

Opposition No. 91228032

eHarmony, Inc.

v.

Midway Rent A Car, Inc.

By the Trademark Trial and Appeal Board:

On February 27, 2017, Applicant filed an abandonment of its application Serial No. 86750545. In the abandonment Applicant stated that it “ha[d] secured the consent of opposing counsel for withdrawal of the application.” *See* 9 TTABVUE 2.

Because Applicant failed to submit Opposer’s written consent to Applicant’s abandonment of the application, as required by Trademark Rule 2.135, on March 6, 2017, the Board entered judgment against Applicant, sustained the opposition, and refused registration of Applicant’s mark. *See* 10 TTABVUE 1.

On March 8, 2017, Applicant filed a motion for relief from judgment under Fed. R. Civ. P. 60(b), together with a revised motion to withdraw the subject application with the written consent of Opposer’s counsel.

Applicant’s motion for relief from final judgment is **granted** as conceded. *See* Trademark Rule 2.127(a). The Board’s March 6, 2017, order entering judgment against Applicant and sustaining the opposition is hereby **vacated**.

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As noted above, with the March 8, 2017, motion for relief from final judgment, Applicant filed an abandonment of its application Serial No. 86750545, with Opposer's written consent.

In view thereof, application Serial No. 86750545 stands abandoned, and the opposition is dismissed without prejudice. *See Trademark Rule 2.135.*