

UNITED STATES PATENT AND TRADEMARK
OFFICE
Trademark Trial and Appeal Board
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Mt

Mailed: October 25, 2017

Opposition No. 91235856

Wells Enterprises, Inc.

v.

Three Peaks Wellness, LLC

By the Trademark Trial and Appeal Board:

On October 16, 2017, Applicant filed an abandonment of its application Serial No. 87154860.¹

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 Applicant.

In view thereof, and 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.²

¹ Applicant's abandonment does not indicate proof of service of a copy of same on counsel for opposer, as required by Trademark Rule 2.119. A copy of the abandonment can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

² Applicant's motion to suspend filed October 11, 2017 is noted and will not receive consideration.