

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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VV/apb

February 28, 2019

Opposition No. 91240564

Andrew Messenger

v.

Villegas Guzman Cesar Arturo

By the Trademark Trial and Appeal Board:

On December 18, 2018, Applicant filed an abandonment of its involved application Serial No. 87530876 in International Class 35 only.¹ 5 TTABVUE. On January 8, 2019, Opposer filed withdrawal of the opposition with prejudice. 6 TTABVUE. Both the partial abandonment and the withdrawal of the opposition are filed without the other party's written consent. However, because those filings were in accordance with the parties' settlement agreement, the Board will treat the filings, taken together, as forming a stipulation to both the abandonment of the application in International Class 35 and the withdrawal of the opposition. *See* Trademark Rule 2.135.

In view of the foregoing, the application stands abandoned in International Class 35 and will go forward in International Class 14 only. The opposition is dismissed with prejudice.

¹ Applicant's amendment 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 amendment can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.