

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

August 8, 2018

Opposition No. 91241186

Top Tobacco L.P.

v.

Fairmont Holdings, Inc.

By the Trademark Trial and Appeal Board:

On August 2, 2018, Applicant filed an abandonment of its involved application Serial No. 87697612 under Trademark Rule 2.68.

However, the applicable rule is Trademark Rule 2.135, which 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.