

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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February 27, 2019

Opposition No. 91245192

*Amplify Snack Brands, Inc.*

*v.*

*Captain Sundae, Inc.*

**By the Trademark Trial and Appeal Board:**

On January 18, 2019, Applicant filed an abandonment of its application Serial No. 87841850.

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.