

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

June 2, 2019

Opposition No. 91246173

Merck Sharp & Dohme Corp.

v.

*Biohaven Pharmaceutical Holding Company
Limited*

By the Trademark Trial and Appeal Board:

On May 30, 2019, Applicant filed an abandonment of its application Serial No. 87838200 with prejudice¹

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 with prejudice, 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 Express Abandonment filed on May 29, 2019 is noted and will receive no further consideration.