

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Rivenburg/Butler

November 4, 2019

Opposition No. 91250265

*Rhubarb Food Design Limited*

*v.*

*Sutter Home Winery, Inc.*

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

On October 9, 2019, Applicant filed an abandonment of its application Serial No. 88376463.

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.<sup>1</sup>

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<sup>1</sup> In view of the Applicant's withdrawal, all outstanding matters are deemed moot.