

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

October 23, 2020

Opposition No. 91255863

*Hyper Ice, Inc.*¹

v.

Powermedic US, Inc.

By the Trademark Trial and Appeal Board:

On September 1, 2020, Applicant filed an abandonment of its application Serial No. 88720504.²

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.

¹ Opposer's consented motion to extend filed September 1, 2020 is noted.

² 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>.

Counterclaim

The parties are allowed 30 days to inform the Board how they wish to proceed with respect to the counterclaim, failing which, proceedings will resume with respect to the counterclaim, commencing with the deadline for the discovery conference and the opening of the discovery period.