

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

JLE/nmt/ey

May 8, 2023

Opposition No. 91250079 (parent case)

Opposition No. 91256313

Opposition No. 91267517

Opposition No. 91267717

Spark Therapeutics, Inc.

v.

*Sun Pharma Advanced Research Company
Ltd.*

By the Trademark Trial and Appeal Board:

On September 16, 2022, Opposer filed the parties' stipulated proposed amendments to Application Serial Nos. 88444348, 88444364, 86732318, 86676794, 86676795, 88444372 and 86732321; abandonment of Application Serial Nos. 86732296, 86732292, 86732294 and 88444357; and Opposer's withdrawal of the consolidated oppositions, contingent upon entry of the amendments and abandonments. 49 TTABVUE.¹

I. Amendments

As previously noted in the Board's order of October 31, 2022, the proposed amendments to Application Serial Nos. 88444348, 88444364, 86732318, 86676794,

¹ The citations to TTABVUE in this order correspond to the docket entry and TTABVUE page number in the parent proceeding, Opposition No. 91250079.

Consolidated Opposition Nos. 91250079, 91256313, 91267517 and 91267717

86676795, 88444372 and 86732321 are limiting in nature, as required by Trademark Rule 2.71(a), 37 C.F.R. § 2.71(a). 50 TTABVUE 2-4.

Because Opposer consents thereto, the amendments are approved and entered. *See* Trademark Rule 2.133(a).

II. Abandonments

In view of the parties' stipulation, Application Serial Nos. 86732296, 86732292, 86732294 and 88444357 stand abandoned. *See* Trademark Rule 2.135.

III. Withdrawals

The contingency in Opposer's withdrawals having now been met, consolidated Opposition Nos. 91250079, 91256313, 91267517 and 91267717 are dismissed in accordance with the agreement between the parties.

IV. Opposition Nos. 91247385 and 91265006

As previously noted in the Board's order dated October 31, 2022, Application Serial Nos. 86732294 and 86732296 also are the subject of Opposition No. 91247385 wherein AdvoCare International, L.P. is the opposer. 50 TTABVUE 4-5.

Additionally, as noted in the Board's order dated February 13, 2023, Application 86732292 is the subject of Opposition No. 91265006 (the child of Opposition No. 91247385), also brought by AdvoCare International, L.P. 51 TTABVUE 1.

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 the applicant. Where, as here, there are multiple unrelated opposers, any voluntary abandonment of the application

Consolidated Opposition Nos. 91250079, 91256313, 91267517 and 91267717

must be made with the written consent of all opposers, or judgment will be entered for each opposer whose written consent has not been provided. *See* TBMP § 602.01; *New Orleans La. Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1550-51 (TTAB 2011).

Applicant was allowed time to provide the written consent of AdvoCare International, L.P. to the abandonment of Application Serial Nos. 86732294, 86732296 and 86732292. *See* TBMP § 602.01. No response has been received by the Board.

Inasmuch as Opposition Nos. 91247385 and 91265006 are not part of these consolidated proceedings, a separate order will be issued accordingly in those proceedings.