

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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May 23, 2022

Opposition No. 91272523

*MByte Tech Hongkong Limited*

*v.*

*AddShoppers, Inc. DBA Minty.com*

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

On May 13, 2022, Opposer filed a withdrawal of the opposition with prejudice with Applicant's consent.<sup>1</sup> In view thereof, the opposition is dismissed with prejudice.<sup>2</sup>

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<sup>1</sup> Opposer's filing does not include proof of service. Trademark Rule 2.119(a) states that every submission filed in an *inter partes* proceeding must be served upon the other party or parties, and proof of such service must be made before the submission will be considered. *See* TBMP § 113.02. The Board may decline to read or consider any submission which does not include proof of service. The Board informed the parties of the rules governing service and the service requirement in the notice of institution. Trademark Rule 2.119(b) sets forth the manner of service. *See also* TBMP § 113.04.

<sup>2</sup> Opposer states in its consented withdrawal that it "hereby expressly abandons" its pleaded application Serial Nos. 90848516 and 90825927. 7 TTABVUE 2. These applications are not under the Board's jurisdiction; thus, the Board is unable to act on this request and cannot enter and process the abandonment. The abandonment of any application that is under the jurisdiction of the trademark examining operation must be filed through TEAS.