

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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September 6, 2023

Opposition No. 91273762

Elite Licensing Company SAGL

v.

Earth & I, LLC

By the Trademark Trial and Appeal Board:

On August 3, 2023, Applicant filed an abandonment of its application Serial No. 90312644 without Opposer's written consent.

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. On August 3, 2023, the Board allowed Applicant time to submit Opposer's written consent to the abandonment. No response was received.

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.