

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RK/ra

July 26, 2023

Opposition No. **91281548**

Alcora Corporation

v.

Emma A. Okyere

By the Trademark Trial and Appeal Board:

On May 22, 2023, Applicant/Counterclaim Petitioner (“Applicant”) filed an abandonment of Application Serial No. 90532199 without the written consent of Opposer/Counterclaim Respondent (“Opposer”).¹ Applicant separately moved to withdraw, without prejudice, its counterclaim to cancel Registration Nos. 5591959 and 5596620.² Opposer’s written consent thereto is noted.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the applicant files an abandonment of its application without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant.

¹ Applicant's filing fails to indicate proof of service on Opposer as required by Trademark Rule 2.119. In order to expedite this matter, Opposer is referred to <https://ttabvue.uspto.gov/ttabvue/v?pno=91281548&pty=OPP&eno=11> to view and obtain a copy of the filing.

² 12 TTABVUE. Applicant again failed to include proof of service. Opposer is referred to <https://ttabvue.uspto.gov/ttabvue/v?pno=91281548&pty=OPP&eno=12> to view and obtain a copy of the filing.

In view thereof, and because Opposer's written consent to the abandonment is not of record, **judgment is hereby entered against Applicant, the opposition is sustained and registration to Applicant is refused.**

As to Applicant's withdrawal of its counterclaim, Trademark Rule 2.114(c) provides that after an answer is filed, a petition for cancellation may not be withdrawn without prejudice except with the written consent of the respondent. Since the written consent of Opposer, as the respondent to the counterclaim, is of record, the counterclaim is **DISMISSED without prejudice.**

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