

THIS OPINION
IS NOT A PRECEDENT OF
THE T.T.A.B.

Hearing:
April 9, 2008

Mailed:
April 21, 2010
jtw

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

Wyeth
v.
Walgreen Co.

Opposition No. 91165912
to Application Serial No. 76594301
filed on 5/25/2004

Bruce R. Ewing and Sandra Edelman of Dorsey & Whitney LLP
for Wyeth.

Mark J. Liss and Mark A. Nields of Leydig Voit & Mayer for
Walgreen Co.

Before Quinn¹, Walsh and Mermelstein, Administrative
Trademark Judges.

Opinion by Walsh, Administrative Trademark Judge:

In this proceeding, Wyeth (opposer) had opposed the
application by Walgreen Co. (applicant) to register the mark
WAL-VERT. In a decision, dated August 5, 2008, we sustained
the opposition, with Administrative Trademark Judge Drost
dissenting. Applicant appealed the decision to the United
States District Court for the Northern District of Illinois,

¹ Judge Quinn is substituted for Judge Drost who has retired from
Federal service.

Opposition No. 91165912

Eastern Division. In an order, dated February 1, 2010, the Court has directed the Board to vacate the referenced decision, to deem Application Serial No. 76594301 withdrawn (abandoned) with prejudice, and to dismiss the opposition as moot, all in accordance with an agreement of the parties to settle the civil action.

Accordingly, we hereby vacate our decision of August 5, 2008; we deem Application Serial No. 76594301 withdrawn (abandoned) with prejudice; and we dismiss the opposition as moot.