

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

dmd

Mailed: February 24, 2006

Opposition No. 91168271

Zimmer Technology, Inc.

v.

Surgistar, Inc.

Angela Lykos, Interlocutory Attorney

On February 2, 2006, applicant filed a communication entitled "withdrawal of application."<sup>1</sup> However, a review of the communication does not indicate any withdrawal by the applicant of the application which is the subject of this opposition. Subsequently, on February 14, 2006, opposer filed a motion for default judgment.

Applicant is allowed **twenty five** days to clarify whether its February 2, 2006 submission constitutes a withdrawal of its application, failing which the Board will then consider opposer's motion for default judgment.

Proceedings are otherwise suspended.

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<sup>1</sup>Applicant's paper filed February 2, 2006, fails to indicate proof of service on opposer, as required by Trademark Rule 2.119. Inasmuch as it appears that the opposer retrieved a copy of applicant's February 2, 2006, the Board will not forward a copy herewith. However, strict compliance with Trademark Rule 2.119 is required by applicant in all future papers filed with the Board.