

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

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Mailed: October 22, 2009

Opposition No. 91186473

Apex, LLC

v.

Apex Pavers, Inc

Elizabeth A. Dunn, Attorney (571-272-4267):

On August 13, 2009, the parties jointly moved for dismissal of the opposition with prejudice and on the same day the Board issued an order dismissing the opposition with prejudice.

On September 9, 2009, applicant filed an abandonment of its application Serial No. 77243433 dated July 31, 2009.

On September 22, 2009, because applicant's abandonment had not yet been processed, Trademark Registration No. **3684869** (application Serial No. **77243433**), for the mark **APEX PAVERS**, inadvertently issued.

Accordingly, the opposition remains dismissed but the above-identified registration will be referred to the Commissioner for Trademarks for appropriate action. The Office

of the Commissioner for Trademarks may issue an order
cancelling the inadvertently issued registration and restoring
the application to pendency, so that it may be abandoned.
