

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

nmt/al

Mailed: January 17, 2012

Opposition No. 91200089

NuVasive, Inc.

v.

Alphatec Spine, Inc.

On January 6, 2012 opposer filed a withdrawal of the opposition without prejudice. Opposer indicated that such withdraw was made pursuant to a settlement agreement between the parties.

On January 10, 2012, applicant filed an abandonment of its application Serial No. 77840076.

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.

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 dismiss in accordance

with the parties' agreement, and registration to applicant is refused.

*By the Trademark Trial
and Appeal Board*