

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
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VW

Mailed: October 7, 2014

Opposition No. 91206208

Blue Cross and Blue Shield
Association

v.

Palladian Health, LLC

By the Trademark Trial and Appeal Board:

On September 2, 2014, applicant filed an abandonment of its application Serial No. 85363867 with an allegation of opposer's consent. Additionally, on September 5, 2014, opposer filed a stipulated withdrawal of the opposition with prejudice.

Opposer's stipulated withdrawal of the opposition states "based on the settlement agreement of the parties following Applicant's Express Abandonment dated September 2, 2014...". Because of the close proximity of the parties' filings, the Board presumes that the separate filings are intended to settle this case. In view thereof, the Board construes opposer's filing to offer opposer's written consent to the abandonment of applicant's involved application Serial No. 85363867.¹

¹ The better practice would have been for applicant to offer opposer's "written" consent -not merely an allegation thereof- in the motion to abandon the application.

In view thereof, application Serial No. 85363867 stand abandoned in accordance with the settlement agreement between the parties, and the opposition is dismissed with prejudice.²

² In light of the instant order, opposer's motion (filed June 23, 2014) to compel discovery is deemed moot and will be given no further consideration.