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Mailed: March 19, 2014

Opposition No. 91208415

Masimo Corporation

v.

Tandem Diabetes Care, Inc.

On February 13, 2014, applicant filed the parties' stipulation to amend applicant's involved application Serial No. 85580018 and to withdraw the opposition with prejudice upon entry of the amendment. By the proposed amendment, applicant seeks to add the following disclaimer:

Applicant makes no exclusive claim to the term "SET" apart from the mark as shown.

Because opposer consents thereto,¹ it is approved and entered. See Trademark Rule 2.133(a). In view of such entry, the opposition is dismissed with prejudice.

***By the Trademark Trial
and Appeal Board***

¹ As a general matter, however, no disclaimer is necessary for word marks consisting of two terms, one of which would be unregistrable alone, joined by a punctuation mark. See "*X Labs., Inc. v. Odorite Sanitation Serv. of Balt., Inc.*", 106 USPQ 327, 329 (Comm'r Pats. 1955); TMEP 1213.05(a)(ii) (October 2013).