

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

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Mailed: February 19, 2016

Cancellation No. 91215035

Vertex Pharmaceuticals Incorporated

v.

CHD Bioscience, Inc.

Eric McWilliams, Supervisory Paralegal:

On February 18, 2016, Applicant/Counterclaim Plaintiff filed a withdrawal of its counterclaim filed against Registration Nos. 2704913 and 3531356 citing that the withdrawal was filed pursuant to agreements reached between Opposer/Counterclaim Defendant and Applicant.

Trademark Rule 2.114(c) provides that after an answer is filed, the petition to cancel (or in this case the counterclaim) may not be withdrawn without prejudice except with the written consent of Opposer/Counterclaim Defendant. It is unclear from the record whether Opposer/Counterclaim Defendant consents to the withdrawal of the petition to cancel.

In view thereof, Applicant/Counterclaim Plaintiff is allowed until thirty days from the mailing date of this order in which to submit Opposer/Counterclaim Defendant's written consent to the withdrawal of the counterclaim, failing which the counterclaim will be dismissed with prejudice.

Opposition No. 91215035

Proceedings are otherwise suspended.