

ESTTA Tracking number: **ESTTA662931**

Filing date: **03/25/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217324
Party	Plaintiff MSI Holdings, LLC, SPEX SamplePrep, LLC, and SPEX CertiPrep, Inc.
Correspondence Address	MICHAEL R GILMAN PERGAMENT GILMAN & CEPEDA LLP 163 MADISON AVE, STE 110 MORRISTOWN, NJ 07960 UNITED STATES mgilman@pgclawgroup.com
Submission	Withdrawal of Opposition
Filer's Name	Michael R. Gilman
Filer's e-mail	mgilman@pgclawgroup.com
Signature	/Michael R. Gilman/
Date	03/25/2015
Attachments	Dismissal Without Prejudice.pdf(10677 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X	:	
MSI HOLDINGS, LLC,	:	
SPEX SAMPLEPREP, LLC and	:	
SPEX CERTIPREP, INC.,	:	
Opposers,	:	Opposition No. 91217324
v.	:	
	:	Serial No. 79-129,065
	:	
ROGER THOMAS MASCULL and	:	
ELIZABETH JOCELYN MASCULL,	:	Opposed Mark: SPEX
Together D/B/A MEDIFAB MEDICAL	:	
FABRICATION	:	
Applicants.	:	
-----X	:	

DISMISSAL WITHOUT PREJUDICE

WHEREAS, Opposers commenced this action against Applicants by filing their Notice of Opposition on July 8, 2014;

WHEREAS, Applicants have not answered or filed a motion for summary judgment as of the date of this dismissal;

WHEREAS, the parties have resolved their dispute;

NOW, THEREFORE, pursuant to Fed. R. Civ. P 41(a)(1)(A)(i), Opposers hereby dismiss this action, without prejudice, as and against Applicants, with each party to bear their own costs and fees.

Respectfully submitted,

PERGAMENT GILMAN & CEPEDA LLP
Attorneys for Opposers
163 Madison Ave., Ste 110
Morristown, NJ 07960
Telephone (973) 998-7722

Dated: March 25, 2015

By: s/Michael R. Gilman/
Michael R. Gilman

CERTIFICATE OF SERVICE

I, Michael R. Gilman, do hereby certify that a true and correct copy of the above **DISMISSAL WITHOUT PREJUDICE** was mailed this 25th day of March, 2015, by first class mail, postage prepaid, to the following attorney of record for Applicants:

Dana P. Jozefczyk, Esq.
Merchant & Gould PC
1801 California St., Ste 3300
Denver, CO 80202-2654

Dated: March 25, 2015

By: s/Michael R. Gilman/
Michael R. Gilman