

ESTTA Tracking number: **ESTTA746371**

Filing date: **05/13/2016**

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

|                        |  |
|------------------------|--|
| Proceeding             | 91223698   |
| Party                  | Plaintiff<br>VYGON   |
| Correspondence Address | DIANNE SMITH-MISEMER<br>HOVEY WILLIAMS LLP<br>10801 MASTIN BLVD, SUITE 1000<br>OVERLAND PARK, KS 66210<br>UNITED STATES<br>tmdocketing.misemer@hoveywilliams.com, litigation@hoveywilliams.com |
| Submission             | Withdrawal of Opposition   |
| Filer's Name           | Dianne M. Smith-Misemer  |
| Filer's e-mail         | tmdocketing.misemer@hoveywilliams.com, litigation@hoveywilliams.com  |
| Signature              | /Dianne M. Smith-Misemer/  |
| Date                   | 05/13/2016   |
| Attachments            | Dismissal of Oppositions.pdf(81987 bytes )   |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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|                      |   |                         |
|----------------------|---|-------------------------|
| VYGON,               | ) |                         |
|                      | ) |                         |
| Opposer,             | ) |                         |
|                      | ) | Opposition No. 91218658 |
| v.                   | ) | 91220738                |
|                      | ) | 91223698                |
| VIKON SURGICAL, LLC, | ) |                         |
|                      | ) |                         |
| Applicant.           | ) |                         |

**CONSENTED WITHDRAWAL AND DISMISSAL OF OPPOSITIONS**

The parties have entered into a Co-Existence Agreement and amendment of the related applications approved. Pursuant to which the respective parties have agreed, among other things, to move for an Order from the TTAB to withdraw and dismiss Opposition Nos. 91218658, 91120738 and 91223698. Contingent upon the Board's approval with consent of the amendments, the parties, through their undersigned counsel stipulate that the oppositions should be dismissed.

Any requisite fee is to be charged to Deposit Account No. 19-0522 through the Trademark Trial and Appeal Board's ESTTA filing system.

Dated: May 13, 2016

Respectfully Submitted,

MAYNARD COOPER & GALE PC

By: /C. Brandon Browning/  
C. Brandon Browning

Counsel for Applicant Vikon Surgical, LLC

Respectfully Submitted,

HOVEY WILLIAMS, LLP

By: /Dianne M. Smith-Misemer/  
Dianne M. Smith-Misemer

Counsel for Opposer VYGON

**CERTIFICATE OF SERVICE**

This is to certify that on May 13, 2016, the foregoing Consented Withdrawal and Dismissal of Oppositions was served via First Class Mail, postage prepaid, to the following:

C. Brandon Browning, Esq.  
MAYNARD COOPER & GALE, PC  
1901 6th Ave. N, Suite 2400  
Birmingham, AL 35203-604

/Dianne M. Smith-Misemer/  
Dianne M. Smith-Misemer