

Baez

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: November 21, 2003

Opposition No. 91158035

MEDTRONIC MINIMED

v.

SciMed Life Systems, Inc.

**David Mermelstein, Attorney:**

On September 29, 2003, opposer filed a notice of opposition to the registration of application Serial No. 76/329,987. However, it has subsequently come to the Board's attention that on September 22, 2003, applicant filed an express abandonment of the application.

An application which has been abandoned is no longer subject to the filing of a new opposition. Any opposition filed on or after the filing date of the abandonment will be returned by the Board to the opposer, and the opposition fee will be refunded. *See, Societe des Produits Nestle S.A. v. Basso Fedele & Figli*, 24 USPQ2d 1079 (TTAB 1992), and *In re First National Bank of Boston*, 199 USPQ 296 (TTAB 1978). *Cf.* TBMP §§ 307.11 and 602.01.

In view thereof, application Serial No. 76/329,987 stands abandoned; Opposition No. 91158035 is hereby

Opposition No. 91158035

**DISMISSED** as a nullity; and the fee therefor will be refunded to opposer in due course.

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