

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

Medtronic, Inc.,
Opposer,

Opposition No. 91161441

v.

Cardiac Pacemakers, Inc.,
Applicant.

and

Pacesetter, Inc., d/b/a St. Jude Medical
Cardiac Rhythm Management Division,
Opposer,

Opposition No. 91161301

v.

Cardiac Pacemakers, Inc.,
Applicant.

STIPULATION OF DISMISSAL WITH PREJUDICE

WHEREAS, Cardiac Pacemakers, Inc. has sought trademark registration in the United States Patent and Trademark Office of the term "PACEMAKERPLUS" for use on or in connection with cardiac rhythm management devices;

WHEREAS, St. Jude Medical and Medtronic, Inc. have opposed such applications for registration; and

WHEREAS, the parties to the above-entitled opposition have duly compromised and settled any and all disputes relating to the opposition based upon the belief that the "PACEMAKERPLUS" mark is generic.

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. Applicant Cardiac Pacemakers, Inc. hereby abandons U.S. Trademark Application Serial No. 76/535,842. filed July 30, 2003 for the mark "PACEMAKERPLUS".

2. All claims that were or could have been brought in the above-entitled opposition may be and hereby are dismissed with prejudice and without cost to either party and the TTAB may enter judgment herein dismissing the above-entitled opposition with prejudice and without cost to either party.

CARDIAC PACEMAKERS, INC.

By James T. Nikolai

James T. Nikolai
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Date: Sept 1, 2005.

MEDTRONIC, INC. and
PACESETTER, INC.

Lora Esch Mitchell
Lora Esch Mitchell
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TTAB

Fredrikson
& BYRON, P.A.

September 6, 2005

Trademark Trial and Appeal Board
United States Patent and
Trademark Office
P.O. Box 1451
Arlington, VA 22313-1451

Re: In the Matter of Trademark Serial No. 76/535,842
For the Mark: PACEMAKERPLUS
Medtronic, Inc. v. Cardiac Pacemakers, Inc. (Opposition No. 91161441)
Pacesetter, Inc., d/b/a St. Jude Medical Cardiac Rhythm Management Division v. Cardiac
Pacemakers, Inc. (Opposition No. 91161301)

Dear Sir or Madam:

Enclosed for filing is a Stipulation of Dismissal with Prejudice in connection with the above
opposition matters.

Sincerely,



Lora Esch Mitchell
Attorney
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Email: lmittell@fredlaw.com

LEM/mp/3165548

Enclosure

cc: Thomas Berry (w/ enclosure)
Steven M. Mitchell (w/ enclosure)
Dean R. Karau (w/ enclosure)
James T. Nikolai (w/ enclosure)



09-19-2005

U.S. Patent & TMO/TM Mail Rpt Dt. #30

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