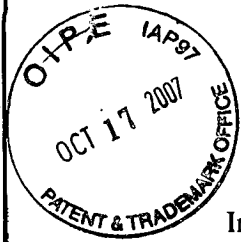


TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Trademark Application )  
 )  
 of: Pacesetter, Inc. )  
 )  
 Serial No.: 78/739,171 )  
 )  
 Filed: October 24, 2005 )  
 )  
 International Class No.: 10 )  
 )  
 Mark: NEXGEN )

Opposition No.: 91173550

Atty. Ref. No.: 40027-238048

Assistant Commissioner for  
 Trademarks  
 2900 Crystal Drive  
 Arlington, VA 22202-3513

**EXPRESS WITHDRAWAL OF APPLICATION WITH CONSENT**

Sir:

Pursuant to 37 C.F.R. § 2.68, Applicant hereby expressly withdraws this application without prejudice. Gerard T. Gallagher, counsel for the Opposer, has consented to this withdrawal without prejudice by virtue of his signature below.

Respectfully submitted,

*Gerard T. Gallagher*

Gerard T. Gallagher  
 Bakers & Daniels  
 250 West Jefferson Blvd. - Suite 250  
 South Bend, IN 46601

Attorneys for Opposer

Dated: October 10, 2007

*Marcia A. Auberger*

Marcia A. Auberger  
 Venable LLP  
 P.O. Box 34385  
 Washington, DC 20043-9998

Attorneys for Applicant

Dated: October 17, 2007



10-17-2006

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing EXPRESS WITHDRAWAL OF APPLICATION WITH CONSENT was mailed this 17 day of October 2007 by first-class mail, postage prepaid to the following:

Gerard T. Gallagher, Esq.  
Baker & Daniels  
250 West Jefferson Blvd. – Suite 250  
South Bend, IN 406601

  
\_\_\_\_\_  
Marcia A. Auburger