

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

WINTER/tdc

Mailed: July 22, 2010

Opposition No. 91191924

Dr. Babor GmbH & Co. KG

v.

Appolos, Inc.

**BY THE TRADEMARK TRIAL AND APPEAL BOARD:**

On May 25, 2010, opposer filed a withdrawal of the opposition without prejudice. On June 3, 2010, because an answer was filed in the proceeding, the opposition was dismissed without prejudice. See Trademark Rule 2.106(c).

The Board notes opposer's submission (filed June 9, 2010), in which opposer clarified, as shown by supporting documents, that its withdrawal of the opposition was in accordance with the parties' written settlement agreement and was intended by the parties to be without prejudice.

In view of the foregoing, the Board's order mailed June 3, 2010, dismissing this proceeding with prejudice is hereby *vacated*. Accordingly, in view of the parties' settlement agreement, the opposition is hereby dismissed *without prejudice*. See Trademark Rule 2.106(c).