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

Proceeding	91210347
Party	Plaintiff Blue Cross and Blue Shield Association
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Submission	Withdrawal of Opposition
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Date	09/09/2014
Attachments	Joint Report to Board.pdf(194855 bytes)

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

IN RE: APPLICATION SERIAL NO. 76/711,474

BLUE CROSS AND BLUE SHIELD
ASSOCIATION,

Opposer,

v.

NEWTON HEALTH SYSTEM, INC. dba
NEWTON MEDICAL CENTER,

Applicant.

Opposition No. 91210347

**JOINT REPORT ON DETERMINATION OF
CIVIL ACTION AND REQUEST FOR
FURTHER ACTION BY THE BOARD**

Pursuant to TMBP §§ 510.02(b), 602.01, and 605.03, and the Board's April 28, 2014 Order suspending these proceedings pending final disposition of a civil action between the parties, and based on the settlement agreement of the parties, Opposer Blue Cross and Blue Shield Association ("Opposer") and Applicant Newton Health System, Inc. dba Newton Medical Center ("Applicant") hereby submit the following report on the final disposition of the civil action, as well as Applicant's request to abandon the application with Opposer's consent.

Report on Final Disposition of Civil Action

Pursuant to the settlement agreement of the parties, on August 29, 2014, Blue Cross and Blue Shield Association filed a dismissal of the entirety of Civil Action No. 14-cv-00866-WSD, previously pending in the Federal District Court for the Northern District of Georgia between the parties, which was the basis for the Board's April 28, 2014 suspension of these proceedings. The dismissal was filed pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, meaning that it did not require a Court order to become effective. The Clerk's Entry of Dismissal APPROVING the Notice of Voluntary Dismissal was entered on September 2, 2014, and the Civil Action was thereby terminated.

Request for Abandonment of Application and Withdrawal of Opposition

Applicant hereby expressly abandons Application Serial No. 76/711,474 without prejudice pursuant to Opposer's consent. Opposer hereby consents to said abandonment without prejudice, and requests that Opposer's opposition be withdrawn without prejudice upon abandonment.

Respectfully submitted,

BLUE CROSS AND BLUE SHIELD ASSOCIATION

By /s/ Christopher S. Walters

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Date: September 9, 2014

NEWTON HEALTH SYSTEM, INC. dba NEWTON
MEDICAL CENTER

By /s/ Cynthia J. Lee

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Date: September 9, 2014

CERTIFICATE OF SERVICE

I, Laura Prongos, hereby certify that a true and complete copy of the foregoing **JOINT REPORT ON DETERMINATION OF CIVIL ACTION AND REQUEST FOR FURTHER ACTION BY THE BOARD** was served on the parties listed below by mailing said copies on September 9, 2014 via e-mail transmission, to:

Applicant's Attorney/Correspondent of Record:

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Dated: September 9, 2014

/s/ Laura Prongos

Laura Prongos

Respectfully submitted,

s/ Christopher S. Walters

Christopher S. Walters (Admitted *Pro Hac Vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2014, I electronically filed Dismissal With Prejudice of the Entire Action with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Susan G. O'Neill
Cynthia Renee Parks
Chase Edward Scott
Garner K. Weng.

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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s/ Christopher S. Walters
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