

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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CME/jmw

October 10, 2018

Opposition No. 91242268

Said I. Hakky

v.

Boston Scientific Scimed, Inc.

By the Trademark Trial and Appeal Board:

Applicant's motion to dismiss, filed August 16, 2018, is **granted** as conceded because Opposer failed to respond thereto.¹ Trademark Rule 2.127(a) and Fed. R. Civ. P. 12(b).

Accordingly, the opposition is dismissed with prejudice.

¹ The motion to dismiss addresses the claims of priority and likelihood of confusion and dilution. In the ESTTA coversheet to its notice of opposition, Opposer indicated an intent to plead a claim of nonuse as of the filing date of Applicant's allegation of use, but there is no basis for such a claim. The involved application is based on an intent-to-use the mark in commerce, and therefore, Applicant has not claimed any use of its mark.