

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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March 17, 2021

Opposition No. 91267664

Masimo Corporation

v.

OnPoint Healthcare Partners, Inc.

By the Trademark Trial and Appeal Board:

On March 16, 2021, Applicant filed an abandonment of its application Serial No. 88953867.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.