

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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February 22, 2023

Opposition No. 91274910

Brink Biologics, Inc.

v.

Agilent Technologies, Inc.

Tashia A. Bunch, Interlocutory Attorney:

On January 3, 2023, in response to Applicant's motion to dismiss for failure to state a claim, Opposer filed its first amended combined notice of opposition (18 TTABVUE) as a matter of course. *See* Fed. R. Civ. P. 15(a)(1)(B). In lieu of filing an answer, Applicant filed a second motion to dismiss on January 23, 2023. (20 TTABVUE).¹ Accordingly, Applicant's first motion to dismiss on December 12, 2022 is moot and will receive no further consideration. Proceedings remain suspended pending the disposition of the second motion to dismiss.

Any paper filed during the pendency of this motion which is not germane thereto will be given no consideration. *See* Trademark Rule 2.127(d).

The second motion to dismiss will be decided in due course.

¹ The Board notes Opposer's February 13, 2023 response and second amended notice of opposition. 22-23 TTABVUE.