

AMERICAN CYANAMID COMPANY,  
Opposer,

) INTER PARTES CASE NO. 3649

) OPPOSITION TO:

) Application Serial No. 69897  
) Filed : November 3, 1989  
) Applicant : Warner-Lambert  
) Company  
) Trademark : ACCUPRIL  
) Used on : Coronary  
) Preparations

- versus -

) DECISION NO. 91-8 (TM)  
) August 28, 1991

) WARNER-LAMBERT COMPANY  
) Respondent-Applicant.)

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### DECISION

This pertains to a Notice of Opposition filed by American Cyanamid Company, a corporation duly organized under the laws of the State of Maine, U.S.A., with principal office at One Cyanamid Plaza, Wayne, New Jersey, U.S.A.; to the application for the registration of the trademark ACCUPRIL used on coronary preparations bearing Application Serial No. 69897 filed on November 3, 1989 by Warner-Lambert Company, a Delaware corporation with address at Morris Plains, New Jersey, U.S.A.

The Verified Notice of Opposition was filed on February 28, 1991. Immediately thereafter, a Notice to Answer was sent to Respondent-Applicant through Counsel, on March 8, 1991.

The Answer was filed by Respondent-Applicant on April 2, 1991 specifically denying the allegations in the Verified Notice of Opposition, and at the same time raised certain affirmative allegations and defenses. As soon as the issues were joined, this Office set the case for pre-trial conference on June 10, 1991 at 10:00 a.m., which was subsequently postponed to July 10, 1991 upon urgent motion filed by Opposer, through Counsel. On July 10, 1991, both parties filed a Joint Motion to Reset Pre-Trial Conference to August 12, 1991 on the ground among others, that they are presently in the process of negotiation and are expecting to reach an amicable settlement if this case.

Finally on July 29, 1991, Opposer through Counsel filed a Withdrawal of Verified Notice of Opposition on the ground that Opposer have reached an amicable settlement with the Respondent-Applicant, consequently rendering its opposition moot and academic, hence, it is withdrawing its opposition to the above-stated application.

IN VIEW THEREOF, Opposer's Withdrawal of Notice of Opposition is, as it is hereby declared WITHDRAWN. Consequently, Application Serial No. 69897 for the registration of the trademark ACCUPRIL used on coronary preparations filed on November 3, 1989 by Warner-Lambert Company is, as it is hereby GIVEN DUE COURSE.

Let the filewrapper of the above-mentioned application be forwarded to the Application, Issuance and Publications Division for proper action in accordance with this Decision.

Likewise, let a copy of this Decision be forwarded to the Trademark Examining Division for information and to update its own record.

SO ORDERED.

IGNACIO S. SAPALO  
Director