

**TRADE MARKS ACT 1994**

**IN THE MATTER OF TRADE MARK APPLICATION NO.**

**UK00003733045 ARTIVION**

**IN THE NAME OF CRYOLIFE, INC**

**AND IN THE MATTER OF OPPOSITION NO. 433333**

**BY BRIGHTWAKE LIMITED**

**AND IN THE MATTER OF AN APPEAL FROM DECISION NO O/0959/23**

**OF Mx S WILSON DATED 9 OCTOBER 2023**

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PROCEDURAL DECISION AND ORDER

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**Introduction**

- 1) This was to have been an appeal against decision BL O/0959/23 of S. Wilson, sitting as a Hearing Officer on behalf of the Registrar of Trade Marks, dated 9 October 2023.
- 2) I am informed that the parties have settled the Opposition and it is their common wish that Application No UK00003733045 be permitted to proceed as if no opposition had been filed or Decision O/0959/23 issued, the opposition being deemed devoid of purpose *ab initio*, and that the matter be resolved with no order as to costs.
- 3) I am further informed by the Registrar of Trade Marks that they consent to the Opposition being set aside as devoid of purpose *ab initio* in accordance with the parties' wishes.

4) I shall therefore order that Decision No. BL O/0959/23 is annulled in full *ab initio* being devoid of purpose by reason of the parties' settlement of the matter. Application No UK00003733045 **ARTIVION** shall proceed as if no opposition thereto were filed. There shall be no order as to costs.

Philip Harris

Appointed Person

18 January 2025

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ORDER

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**THE APPOINTED PERSON** having received submissions from the Registrar of Trade Marks and the Representatives of the parties as to the disposal of this appeal from the Decision BL O/0959/23 of S. Wilson acting for the Registrar of Trade Marks dated 9 October 2023

**DOES HEREBY ORDER THAT:**

- (1) Decision No. BL O/0959/23 is annulled in full
- (2) Application No UK00003733045 **ARTIVION** shall proceed as if no opposition thereto were filed.
- (3) No order as to costs.

**DATED** this 18th day of January 2025

**Philip Harris**

**APPOINTED PERSON**