

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROCHE DIAGNOSTICS CORPORATION )  
)  
and )  
)  
ROCHE DIAGNOSTICS GMBH, )  
)  
)  
Opposers, )  
)  
v. )  
)  
MEDLINE INDUSTRIES, INC., )  
)  
)  
Applicant. )

Opposition No. 91,150,863  
App. Serial No. 76/210,082  
Mark: ACCUCARE



**WITHDRAWAL OF APPLICATION WITHOUT PREJUDICE  
AND STIPULATION OF DISMISSAL OF OPPOSITION WITHOUT  
PREJUDICE**

Applicant, Medline Industries, Inc., with the consent of Opposers, Roche Diagnostics Corporation and Roche Diagnostics GMBH, hereby withdraws Application Serial No. 76/210,082 without prejudice. Applicant and Opposers hereby stipulate to entry of an Order of Dismissal without prejudice of Opposition No. 91,150,863. Each party to the above-styled action shall bear his, her or its attorney's fees and costs.

PATTISHALL, McAULIFFE, NEWBURY,  
HILLIARD & GERALDSON

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Attorneys for Opposers

Dated: 8/6/02

Dated: 8/7/02

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing "Withdrawal of Application Without Prejudice and Stipulation of Dismissal of Opposition Without Prejudice" has been served upon the following counsel of record by first class, United States mail, postage prepaid, this 8<sup>th</sup> day of August 2002:

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CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

Express Mail Label Number: EL 592 257 746 US

Date of Deposit: August 8, 2002

I hereby certify that these papers or fees are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above addressed to Commissioner for Trademarks, Washington, D.C. 20231.

Respectfully submitted,

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Sherri E. Cozart

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*Flab*

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August 8, 2002

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Re: Opposition No.: 91,150,863  
Mark: **ACCUCARE**  
Application Serial No.: 76/210,082  
Applicant: Medline Industries, Inc.  
Opposers: Roche Diagnostics Corporation and Roche Diagnostics GmbH  
Our Docket No.: 12153-0008

Dear Commissioner:

Herewith please find the following:

- (1) Withdrawal of Application Without Prejudice and Stipulation of Dismissal of Opposition Without Prejudice (including Certificate of Mailing by Express Mail and Certificate of Service); and
- (2) Self-addressed postcard (postage affixed) listing item 1 above.

Please acknowledge receipt of the foregoing items by marking and mailing the postcard. Please charge any underpayment of fees or credit any overpayment to Deposit Account 02-3223. A duplicate copy of this transmittal letter is submitted herewith for that purpose.

Respectfully submitted,

BOSE McKINNEY & EVANS LLP

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Attorney for Applicant

Enclosures

- cc: Jennifer E. Berner, Esq. (w/encl.)
- Amy L. Rankin, Esq. (w/out encl.)
- Ms. Debra Robinson (w/encl.)
- Ms. Monika Laudan (w/encl.)

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