

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3514

cv

Mailed: September 29, 2004

Opposition No. 91157307

Biogen, Inc.

v.

ViaGen, Inc.

Frances S. Wolfson, Interlocutory Attorney:

On September 1, 2004, the parties filed applicant's proposed amendment to its application Serial No. 78152650, with opposer's consent, and on September 9, 2004, opposer filed a withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the description of services **from** "Research and development in the fields of genetics and biotechnology to the order and specification of others; genetic testing, diagnostics and research in connection with the selection, management and genetic branding of animals " **to** "Research and development in the fields of genetics and biotechnology relating to animals to the order and specification of others; genetic testing, diagnostics and research in connection with the selection, management and genetic branding of animals."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, and because no answer is of record, the opposition is dismissed without prejudice.

***By the Trademark Trial
and Appeal Board***