

ESTTA Tracking number: **ESTTA126217**

Filing date: **02/21/2007**

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

Proceeding	91161619
Party	Plaintiff BAUSCH & LOMB INCORPORATED BAUSCH & LOMB INCORPORATED ONE BAUSCH & LOMB PLACE ROCHESTER, NY 14604-2701 UNITED STATES
Correspondence Address	JON O. WEBSTER BAUSCH & LOMB INCORPORATED ONE BAUSCH & LOMB PLACE ROCHESTER, NY 14604-2701 UNITED STATES julie.setren@kattenlaw.com, floyd.mandell@kattenlaw.com
Submission	Withdrawal of Opposition
Filer's Name	Julie P. Setren
Filer's e-mail	julie.setren@kattenlaw.com, floyd.mandell@kattenlaw.com
Signature	/js/
Date	02/21/2007
Attachments	Motion for Withdrawal With Prejudice of Opposition.pdf (2 pages)(56641 bytes)

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

In the Matter of Trademark Application :
Serial No. 76/418,739, Published in the :
Official Gazette on February 3, 2004, :
 :
BAUSCH & LOMB INCORPORATED, :
 :
Opposer, :
 :
vs. :
 :
NATIONAL VITAMIN COMPANY, INC., :
 :
Applicant. :

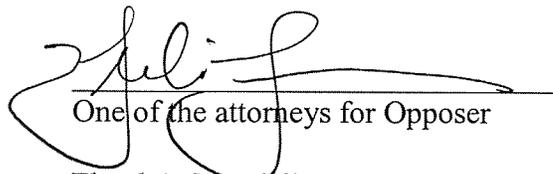
Opposition No. 91161619

MOTION FOR WITHDRAWAL WITH PREJUDICE OF OPPOSITION

Opposer, Bausch & Lomb Incorporated, by and through its undersigned attorneys, hereby moves for a withdrawal with prejudice of its opposition against Application Ser. No. 76/418,739, pursuant to agreement with Applicant, National Vitamin Company, Inc.

Date: February 21, 2007

Respectfully submitted,



One of the attorneys for Opposer

Floyd A. Mandell
Julie P. Setren
KATTEN MUCHIN ROSENMAN LLP
525 West Monroe Street, Suite 1900
Chicago, IL 60661
(312) 902-5200

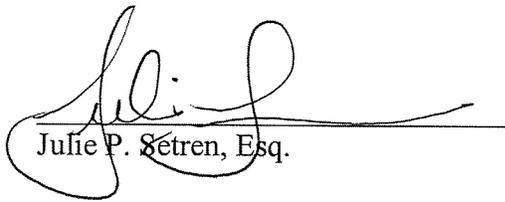
CERTIFICATE OF SERVICE

I, Julie P. Setren, hereby certify that on this 21st day of February, 2007, a true copy of the foregoing Motion for Withdraw With Prejudice of Opposition was served on Applicant's counsel of record by depositing a true and correct copy thereof in the United States mail in a sealed envelope with postage thereon fully prepaid, addressed as follows:

Mr. Russell F. Rowen, Esq.
Lerner & Veit, P.C.
744 Montgomery Street
Fifth Floor
San Francisco, CA 94111

with a copy served by electronic mail addressed as follows: rrowen@lernerveit.com.

Executed on February 21, 2007.


Julie P. Setren, Esq.