

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

In the Matter Application Serial No. 78/457,437
Filed: July 27, 2004
For the Mark: EMLAB
Published: September 20, 2005

| | | |
|-------------------------------|---|-----------------------------|
| EMSL Analytical, Inc. |) | |
| |) | Opposition No. 91167535 |
| |) | |
| v. |) | |
| |) | |
| TestAmerica Environmental |) | Attorney Docket No. 05-1086 |
| Microbiology Laboratory, Inc. |) | |
| Applicant. |) | |

WITHDRAWAL OF OPPOSITION

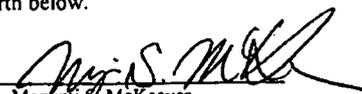
Pursuant to 37 C.F.R. §2.106 (c), Opposer, EMSL Analytical, Inc., hereby withdraws its Notice of Opposition of United States Trademark Application No. Serial 78/457,437, published on September 20, 2005, and accorded Opposition No. 91167535.

CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 2.198

I hereby certify that this correspondence and all papers reported herein as being enclosed, transmitted, or otherwise submitted, are being transmitted via Express Mail No. EV222884754US, to: United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on the date set forth below.

Date: July 27, 2006

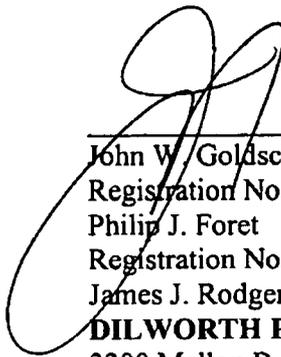
Signature:


Megumi G. McKeever

Please charge any fees or credit any overpayment associated with this submission to
Deposit Account No. 50-0979.

Respectfully submitted,

Date: July 27, 2006



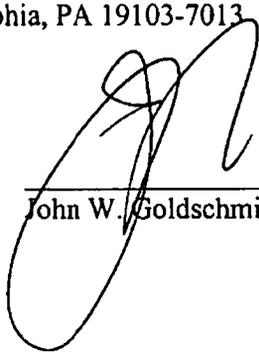
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of July, 2006, a true and correct copy of the foregoing Withdrawal of Opposition, was served on Applicant by mailing same, via first class mail, postage prepaid to the following counsel of record:

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July 27, 2006

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

RE: Opposition No.: 91167535
Serial No.: 78/457,437
Trademark: EMLAB
Opposer: EMSL Analytical, Inc.
Applicant: TestAmerica Environmental Microbiology Laboratory, Inc.
Atty Docket No: 05-1086 (formerly 26559-78659)

Dear Sir:

Transmitted herewith are the following documents:

1. Withdrawal of Opposition (2 pages);
2. Certificate of Service (1 page); and
3. A Return Post Card acknowledging receipt.

The Commissioner is hereby authorized to charge any fees or credit any overpayment in the enclosed amount to Deposit Account No. 50-0979.

Respectfully submitted,

John W. Goldschmidt Jr.
Registration No. 34,828

JWG/msm
Enclosures



07-27-006

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

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Signature:

(Megomi J. McKeever)

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