

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

am/BUTLER

Mailed: March 4, 2008

Opposition No. 91180059

BIOMERIEUX, INC.

v.

VIVIDAS TECHNOLOGIES PTY
LIMITED

On February 6, 2008, applicant filed a proposed amendment to its application Serial No. 78325031, and on February 7, 2007 the parties filed a stipulated withdrawal without prejudice of the opposition.

By the proposed amendment applicant seeks to change the identification of goods in Class 9 **from**

Prerecorded magnetic data carriers featuring sound, images and data relating to electronic goods being promoted; prerecorded discs featuring sound, images and data relating to electronic goods being promoted; apparatus for recording, transmission or reproduction of sound or images, namely digital video disc recorders and players, and audio disc recorders and players; digital data processors and computers; CD ROMs having stored thereon multimedia software for use in audio and video production and recording; computer software for use in audio and video production and the transmission and conversion of those audio and video productions; computer hardware and peripherals; downloadable computer programs provided online and on disc for the conversion and presentation of media data; prerecorded training videos in the field of computers for third party use

to

Prerecorded magnetic data carriers featuring sound, images and data relating to electronic goods being promoted; prerecorded discs featuring sound, images and data relating to electronic goods being promoted; apparatus for recording, transmission or reproduction of sound or images, namely digital video disc recorders and players, and audio disc recorders and players; digital data processors and computers; CD ROMs having stored thereon multimedia software for use in audio and video production and recording; computer software for use in audio and video production and the transmission and conversion of those audio and video productions; computer hardware and peripherals; downloadable computer programs provided online and on disc for the conversion and presentation of media data; prerecorded training videos in the field of computers for third party use; ***all of the foregoing goods not concerning automatic immunodiagnostic assay analysis systems for body fluids.***¹

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).

In view thereof, the opposition is dismissed without prejudice.

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

¹ The wording in bold-italics is added.