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

Proceeding	91184415
Party	Defendant Da Vinci Center, L.L.C.
Correspondence Address	MICHAEL B. CHESAL KLUGER PERETZ KAPLAN & BERLIN, P.L. 201 S BISCAYNE BLVD FL 17 MIAMI, FL 33131-4325 UNITED STATES trademarks@kpkb.com
Submission	Withdrawal Of Application
Filer's Name	Paul L. Kobak
Filer's e-mail	pkobak@pc-iplaw.com
Signature	/Paul L. Kobak/
Date	04/10/2009
Attachments	Notice of Withdrawal of Serial No 77321258 (opp no 91184415) (00000161).PDF ( 2 pages )(17018 bytes )

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

In the Matter of Application Serial No. 77/321,258  
Published in the Official Gazette of April 8, 2008

INTUITIVE SURGICAL, INC.	)	
	)	Opposition No.: 91184415
Opposer,	)	
	)	Trademark: DA VINCI CENTER
v.	)	
	)	Filed: November 5, 2007
DA VINCI CENTER, L.L.C.,	)	
	)	
Applicant.	)	
_____	)	

**APPLICANT’S NOTICE OF VOLUNTARY  
WITHDRAWAL OF APPLICATION SERIAL NO. 77321258**

Applicant, Da Vinci Center, L.L.C., (“Da Vinci Center”), by and through its attorneys and pursuant to TBMP § 602.01 and 37 CFR §§ 2.68 and 2.135, hereby withdraws its Application Serial No. 77321258, which is the subject of the instant opposition proceeding brought by Opposer, Intuitive Surgical, Inc. (“Opposer”), and states as follows:

1. Applicant hereby voluntarily withdraws, without the consent of Opposer, Application Serial No. 77321258 for the mark DA VINCI CENTER.
2. “Express abandonment (withdrawal) of application. An application may be expressly abandoned by filing in the Patent and Trademark Office a written statement of abandonment or withdrawal of the application signed by the applicant, or the attorney or other person representing the applicant.” 37 CFR § 2.68.
3. Pursuant to TBPM § 602.01, because this is an opposed application, this notice of withdrawal is being filed with the Board, bearing at the top of its first page both the application serial number, and the opposition number and title.

4. This notice of withdrawal is being served upon every other party to the opposition proceeding. TBPM § 602.01.

Dated: April 10, 2009.

Respectfully submitted,

**PERETZ CHESAL & HERRMANN, PL**

Miami Center – Suite 1750  
201 South Biscayne Boulevard  
Miami, Florida 33131  
Tel. (305) 341-3000  
Fax (305) 371-6807

By: /Paul L. Kobak/

Michael B. Chesal  
Fla Bar No. 775398  
mchesal@pc-iplaw.com  
Paul L. Kobak  
Fla. Bar No. 15426  
pkobak@pc-iplaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2009, a copy of the foregoing was served via U.S. Mail and to Michelle D. Kahn and Michelle Hirth, Sheppard, Mullin, Richter, & Hampton, LLP, 4 Embarcadero Center, 17<sup>th</sup> Floor, San Francisco, CA, 94111-4109.

By: /Paul L. Kobak/  
Paul L. Kobak