

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

CME/kk

Mailed: May 31, 2013

Opposition No. 91201226

Avista Technologies, Inc.

v.

bioMérieux, Inc.

On May 13, 2013, the parties filed a stipulated motion to amend applicant's involved application Serial No. 77531903, with opposer's written consent, and to withdrawal the opposition with prejudice and with applicant's written consent, contingent upon entry of the amendment.

By the proposed amendment, applicant seeks to change the identification of goods in opposed Class 1 **from** "Chemicals for use in industry and science, namely, chemical solutions, reagents and diagnostic test kits consisting primarily of reagents, test cards, and applicator sticks to control and detect contaminating substances in industrial, agricultural, cosmetic and pharmaceutical products for scientific research use" **to** "Chemicals for use in industry and science, namely, chemical solutions, reagents and diagnostic test kits consisting primarily of reagents, test cards, and applicator sticks to control and detect contaminating substances in industrial, agricultural, cosmetic and pharmaceutical products

for scientific or research use; all these products excluding any goods used in membrane separation processes used for the treatment of water."<sup>1</sup> The goods in unopposed Classes 5, 9 and 10 would remain unchanged.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), 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, the opposition is dismissed with prejudice.

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

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<sup>1</sup> The underlined wording is proposed to be added to the identification.