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Filing date: **12/15/2011**

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

| | |
|------------------------|--|
| Proceeding | 91202089 |
| Party | Plaintiff Forest Laboratories, Inc. formerly known as Trovis Pharmaceuticals LLC |
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| Submission | Other Motions/Papers |
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| Signature | /Christopher Serbagi/ |
| Date | 12/15/2011 |
| Attachments | Stipulation to Amend VYBRIA 12_12_11.pdf (2 pages)(117194 bytes) |

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

Serial No. 85/201,343

Filed: December 19, 2010

Mark: VYBRIA

Proceeding No. 91202089

Forest Laboratories, Inc.

v.

Eli Lilly and Company

**STIPULATION TO AMEND THE IDENTIFICATION OF THE GOODS/SERVICES IN
APPLICANT'S MARK AND WITHDRAWAL OF OPPOSITION PROCEEDING WITH
CONSENT OF APPLICANT/DEFENDANT**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties herein, as follows:

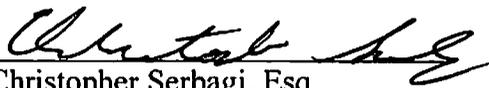
1. The parties stipulate and hereby request the TTAB to amend and limit the description of the goods/services in Applicant/Defendant's application for the mark VYBRIA (85/201,343) (the "Mark") in Class 5 to read "Medicated feed additive for the treatment and control of respiratory disease in cattle and swine";
2. The parties stipulate that the amendment as set forth in Paragraph 1 above shall be without entry of judgment as to the likelihood of confusion as to the goods/services prior to such amendment;
3. Upon the amendment and limitation of the description of the goods/services in the application for the Mark as set forth above, the Plaintiff hereby withdraws this action with prejudice; and

4. This proceeding is stayed pending the foregoing amendment of the goods/services in the application for the Mark.

Dated: New York, New York
~~November~~ 14, 2011
December

Respectfully Submitted,

THE SERBAGI LAW FIRM, P.C.

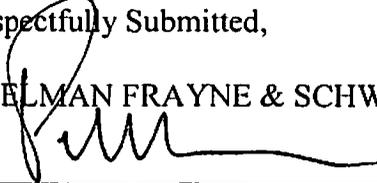
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Attorneys for Opposer Forest Laboratories, Inc.

Dated: New York, New York
November 14, 2011

Respectfully Submitted,

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