

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

nmt/jk

Mailed: December 20, 2011

Opposition No. 91202089

Forest Laboratories, Inc.  
formerly known as Trovis  
Pharmaceuticals LLC

v.

Eli Lilly and Company

On December 15, 2011, the parties filed applicant's proposed amendment to its application Serial No. 85201343, with opposer's consent, and opposer's withdrawal of the opposition with prejudice, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to amend the identification of goods in International Class 5 as follows.

**from**

"Preparations for destroying vermin, namely, insecticides for use with livestock and livestock premises; veterinary preparations for the treatment, control and symptomatic relief of infectious and metabolic diseases of livestock; dietary food supplements for animals; antibacterial pharmaceuticals; production enhancement for livestock, namely, medicated feed and medicated water additives; medicated feed additives and medicated water additives for animals; diagnostic agents, preparations and substances to identify pathogens or residues of biological interest for veterinary use; pre-filled veterinary preparations

for the prevention of immunological, bacterial, and infectious diseases"

to

"Medicated feed additive for the treatment and control of respiratory disease in cattle and swine."

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***