

ESTTA Tracking number: **ESTTA570180**

Filing date: **11/11/2013**

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

|                        |   |
|------------------------|---|
| Proceeding             | 91211181  |
| Party                  | Plaintiff<br>NYX, Los Angeles Inc.  |
| Correspondence Address | PATCHEN M HAGGERTY<br>DORSEY & WHITNEY LLP<br>701 FIFTH AVENUE, SUITE 6100<br>SEATTLE, WA 98104<br>UNITED STATES<br>ip.docket.se@dorsey.com, tmseattle@dorsey.com,<br>haggerty.patchen@dorsey.com |
| Submission             | Withdrawal of Opposition  |
| Filer's Name           | Patchen M. Haggerty   |
| Filer's e-mail         | ip.docket.se@dorsey.com, tmseattle@dorsey.com,<br>haggerty.patchen@dorsey.com   |
| Signature              | /Patchen M. Haggerty/   |
| Date                   | 11/11/2013  |
| Attachments            | Withdrawal of BIONYX Trademark Opposition.pdf(16344 bytes )   |

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

IN THE MATTER OF APPLICATIONS:

Mark: BIONYX  
Applicant: Vivo Per Lei Inc.  
Serial No.: 85/862,671  
Filed: February 28, 2013  
Published in  
the **Official Gazette**: June 11, 2013

**BIONYX**

Mark:  
Applicant: Vivo Per Lei Inc.  
Serial No.: 85/862,710  
Filed: February 28, 2013  
Published in  
the **Official Gazette**: June 11, 2013

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NYX, LOS ANGELES INC.,

Opposer,

Opposition No. 91211181

v.

VIVO PER LEI INC.,

Applicant.

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**MOTION TO WITHDRAW OPPOSITION**

Pursuant to 37 C.F.R. § 2.106(c) and TBMP Section 601.01, Opposer NYX, Los Angeles Inc., by and through undersigned counsel, hereby withdraws Opposition No. 91211181 against Applicant's United States Trademark Serial Nos. 85/862,671 and 85/862,710 for the marks BIONYX and BIONYX (Stylized).

Respectfully submitted,

Dated: November 11, 2013

DORSEY & WHITNEY LLP

By: /s/ Patchen M. Haggerty  
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***Attorneys for Opposer, NYX, Los Angeles Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Motion to Withdrawal Opposition** has been served via electronic mail to Counsel for Applicant, CHRISTOPHER DITICO, VIVO PER LEI INC, 20255 CORISCO STREET, CHATSWORTH, CA 91311, UNITED STATES at [cditico@mazalent.com](mailto:cditico@mazalent.com) and [adi@mazalent.com](mailto:adi@mazalent.com), this 11<sup>th</sup> day of November, 2013.

/s/ Patchen M. Haggerty  
Patchen M. Haggerty,  
Attorney for Opposer, NYX, Los Angeles Inc.