

ESTTA Tracking number: **ESTTA271010**

Filing date: **03/10/2009**

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

Proceeding	92050511
Party	Plaintiff Max-Wellness, LLC
Correspondence Address	Raymond Rundelli Calfee, Halter & Griswold LLP 800 Superior Avenue, Suite 1400 Cleveland, OH 44114 UNITED STATES ipdocket@calfee.com, rrundelli@calfee.com
Submission	Withdrawal of Cancellation
Filer's Name	Raymond Rundelli
Filer's e-mail	ipdocket@calfee.com, rrundelli@calfee.com
Signature	/Raymond Rundelli/
Date	03/10/2009
Attachments	00502210.PDF ( 2 pages )(22095 bytes )

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

In the Matter of Registration No.: 2,664,034  
For the Mark: MAX WELL MEDICAL  
Date of Issue: December 17, 2002

<i>MAX-WELLNESS, LLC,</i>	)	
	)	
Petitioner,	)	Cancellation No.: 92/050,511
	)	
v.	)	
	)	
<i>MAX WELL MEDICAL, INC.,</i>	)	
	)	
Registrant.	)	

**WITHDRAWAL OF PETITION FOR CANCELLATION WITHOUT PREJUDICE  
PRIOR TO ANSWER BY REGISTRANT**

Pursuant to 37 C.F.R. §2.114(c), Petitioner, through its attorney of record, hereby withdraws the above-captioned Petition For Cancellation without prejudice inasmuch as Registrant has not yet filed an answer.

March 10, 2009

Respectfully submitted,

/Raymond Rundelli/  
Raymond Rundelli, member of Ohio bar  
CALFEE, HALTER & GRISWOLD LLP  
1400 KeyBank Center  
800 Superior Avenue  
Cleveland, Ohio 44114  
(216) 622-8854  
FAX (216) 241-0816  
(rrundelli@calfee.com;  
ipdocket@calfee.com)  
Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **WITHDRAWAL OF PETITION FOR CANCELLATION WITHOUT PREJUDICE** was served on Registrant by mailing a true copy thereof to Jules Jay Morris, by first class mail, postage prepaid, this 10th day of March, 2009, in an envelope addressed as follows:

Jules Jay Morris  
Max Well Medical, Inc.  
c/o Fresenius Medical Care North America  
920 Winter Street  
Waltham, Massachusetts 02451

/Raymond Rundelli/  
Raymond Rundelli, member of Ohio bar  
CALFEE, HALTER & GRISWOLD LLP  
1400 KeyBank Center  
800 Superior Avenue  
Cleveland, Ohio 44114  
(216) 622-8854  
FAX (216) 241-0816  
(rrundelli@calfee.com;  
ipdocket@calfee.com)

Attorneys for Petitioner