

ESTTA Tracking number: **ESTTA681966**

Filing date: **07/06/2015**

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

Proceeding	92059353
Party	Plaintiff Sanofi and Sanofi-Aventis de Mexico SA de CV
Correspondence Address	MICHAEL CHIAPPETTA FROSS ZELNICK LEHRMAN & ZISSU 866 UNITED NATIONS PLZ NEW YORK, NY 10017 UNITED STATES sdouglass@frosszelnick.com, mc@fzlz.com
Submission	Withdrawal of Cancellation
Filer's Name	Michael Chiappetta
Filer's e-mail	mc@fzlz.com
Signature	/Michael Chiappetta/
Date	07/06/2015
Attachments	Withdrawal of Claims (F1726987x96B9E).pdf(93266 bytes)

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

In re Registration No.: 4432789
Trademark: HISTIACIL
Registered: November 12, 2013

Petitioner's Ref: SYN 14/04070

-----X	
Sanofi and Sanofi-Aventis de	:
Mexico SA de CV,	:
	:
Petitioners,	:
	:
- against -	:
	:
Tikkun LLC,	:
	:
Respondent.	:
-----X	

Cancellation No. 92059353

**WITHDRAWAL OF MISREPRESENTATION OF SOURCE CLAIM WITHOUT
PRJEUDEICE AND WITHDRAWAL OF NON-USE CLAIM WITH PREJUDICE**

Petitioners in this proceeding have asserted two grounds for cancellation of Respondent's Registration No. 4,432,789 (the "Registration"), namely (1) a claim for misrepresentation of source under Section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3), as said claim is set forth in Paragraphs 1-7 and 9-11 of the Amended Petition for Cancellation filed in this proceeding (the "Misrepresentation of Source Claim") and (2) a claim for non-use of the HISTIACIL mark and that the Registration is void *ab initio* under Section 1(d) of the Lanham Act, 15 U.S.C. § 1051(d), as said claim is set forth in Paragraph 8 of the Amended Petition for Cancellation filed in this proceeding (the "Non-Use Claim").

Petitioners, by and through their attorneys of record, and with the consent of Respondent Tikkun LLC as set forth below, hereby withdraw their Misrepresentation of Source Claim without prejudice.

Petitioners, by and through their attorneys of record, hereby withdraw their Non-Use

Claim with prejudice.

Dated: New York, New York
July 6, 2015

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 

Michael Chiappetta

866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Petitioners

*Consent provided solely as to withdrawal of
the Misrepresentation of Source Claim:*

Dated: New York, New York
July 6, 2015

PAUL HASTINGS LLP

By: 

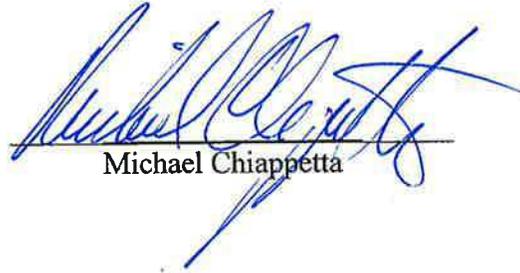
Natalie G. Furman

75 East 55th Street
New York, New York 10022

Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this **Withdrawal of Misrepresentation of Source Claim Without Prejudice and Withdrawal of Non-Use Claim With Prejudice** was sent by e-mail, with the express consent of Respondent's counsel of record, to Robert L. Sherman and Natalie G Furman at rls@paulhastings.com and nataliefurman@paulhastings.com, respectively, on this 6th day of July, 2015.



Michael Chiappetta