

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

G.D. Searle LLC,  
successor-in-interest of  
G.D. Searle & CO.

Opposer,

v.

BioMarine Ltd.,

Applicant.

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Opposition No.: 118,621

Serial No.: 75/498,497

Mark: SEARX

13-15-03 6-1007-10  
CIVIL DIVISION

BOX TTAB/NO FEE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, VA 22202-3513

05-28-2003  
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**CONDITIONAL, STIPULATED MOTION TO  
WITHDRAW OPPOSITION PROCEEDING**

Opposer, G.D. Searle LLC, who is the successor-in-interest to G.D. Searle & Co., and Applicant, BioMarine Ltd., by and through their undersigned counsel, agree as follows:

Opposer, with the consent of Applicant and pursuant to the Settlement Agreement dated November 12, 2001 and filed in connection with this case on April 23, 2003, and conditional on Applicant's motion to amend its drawing being granted, hereby withdraws its opposition, Opposition No. 118,621, pursuant to 37 C.F.R. § 2.133(a), without prejudice.

Applicant, as part of the aforementioned Settlement Agreement, filed a motion to amend the drawing of Serial No. 75/498,497, to a stylized form as it appears in the attached Exhibit A. However, the "Motion for Approval of Amendment to the Presentation of Applicant's Mark Pursuant to TBMP 605.03(b)" as it was filed in connection with this Settlement Agreement, mistakenly refers to Serial No. 75/375,046 and Opposition No. 113,923, when the subject matter of the Motion actually refers to Opposition No. 118,621, Serial No. 75/498,497. The correct

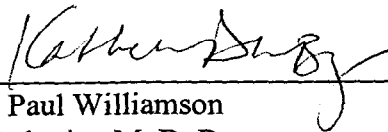
reference information is reflected in the Applicant's "Motion to Suspend" and in the Settlement Agreement itself, both of which accompanied the "Motion for Approval of Amendment."

If the amendment to the drawing of Applicant's mark is denied by the Board, then the Board is requested to reactivate the Opposition proceeding and reset all pertinent deadlines

SO STIPULATED AND AGREED:

Opposer G.D. Searle LLC

By:

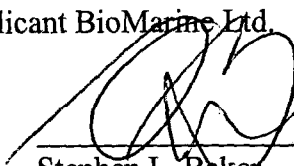
  
\_\_\_\_\_  
J. Paul Williamson  
Katherine M. DuBray  
FULBRIGHT & JAWORSKI L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2615  
(202) 662-0200

Dated:

May 28, 2003  
\_\_\_\_\_  
ATTORNEY FOR OPPOSER

Applicant BioMarine Ltd.

By:

  
\_\_\_\_\_  
Stephen L. Baker  
BAKER & RANNELS  
626 North Thompson Street  
Raritan, NJ 08869  
(908) 722-5640

Dated:

MAY 22, 2003  
\_\_\_\_\_  
ATTORNEY FOR APPLICANT

FROM : BAKER RANNELLS

FAX NO. : 9087257088

Apr. 28 2003 11:11AM P10

EXHIBIT A

*Revised Logo January 12, 2001*

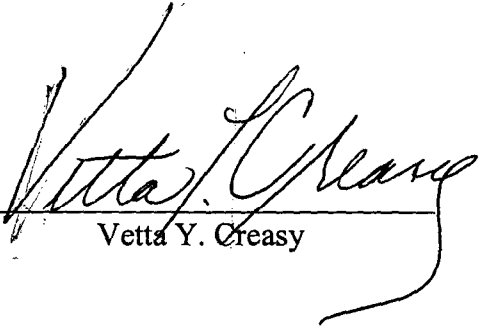


*Logo prints Reflex Blue with white outline,  
PMS 326 green gradient background.*

**CERTIFICATE OF SERVICE**

I hereby certify that one true copy of the foregoing "Conditional, Stipulated Motion to Withdraw Opposition Proceeding" was served on Applicant's counsel, Stephen L. Baker, by first class mail, postage prepaid, this 28<sup>th</sup> day of May 2003, as follows:

Stephen L. Baker, Esq.  
Baker and Rannells PA  
626 North Thompson Street  
Raritan, NJ 08869



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Vetta Y. Creasy



TTAB

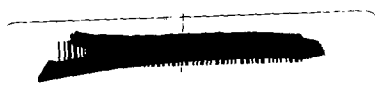
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TRANSMITTAL LETTER

Madam:

Attached hereto for filing in the above-referenced opposition proceeding is the following:

- Conditional, Stipulated Motion to Withdraw Opposition Proceeding (in triplicate), including Exhibit A and Certificate of Service.

The Commissioner is hereby authorized to charge any fees associated with this filing to Deposit Account No. 06-2375, Order No. PHRC:562/10301502. A duplicate copy of this transmittal letter is attached for accounting purposes.

Respectfully submitted,

May 28, 2003  
Date

Katherine M. DuBray  
J. Paul Williamson  
Katherine M. DuBray  
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