

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

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G.D. Searle & Co.

Opposer,

Opposition No.: 118,621

v.

Ser. No.: 75/498,497

BioMarine Ltd.

Mark:

SEARX



Applicant.

01-12-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #78

**MOTION FOR APPROVAL OF AMENDMENT TO THE PRESENTATION OF  
APPLICANT'S MARK PURSUANT TO TBMP 605.03(b)**

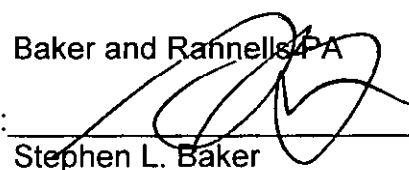
**Background:** On April 28 2003, the applicant filed a proposed amendment to its application Ser. No. 75/498,497, with opposer's consent. On July 9, 2003, the Board in effect approved the proposed amendment, but found the amended drawing unacceptable because it appeared to depict the mark with a rectangular design element. The Board stated that in the event applicant were to submit an acceptable substitute drawing, the Board would give effect to the parties' May 28, 2003 conditional stipulation to withdraw the notice of opposition.

**Submission:** A revised drawing is submitted herewith, which drawing meets the conditions of the Board prior order. Accordingly, Applicant requests that the drawing be approved, that the opposition be terminated and that the application mature into a registration for the mark as shown in the drawing submitted herewith.

Respectfully submitted,

Baker and Rannells PA

By: \_\_\_\_\_

  
Stephen L. Baker  
Attorney for Registrant  
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APPLICANT: BioMarine Ltd. CORPORATION.  
ADDRESS: 794 Sunrise Boulevard  
Mt. Bethel PENNSYLVANIA 18343  
FIRST USE: December 22, 1997  
IN COMMERCE: May 11, 1998  
GOODS: Food supplements  
CLASS: International Class 05

***SEA-Rx***

Stephen L. Baker  
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the MOTION FOR APPROVAL OF AMENDMENT TO THE PRESENTATION OF APPLICANT'S MARK PURSUANT TO TBMP 605.03(b) in re G.D. Searle. v. BioMarine Ltd. Opposition No. 118,621 was forwarded by first class postage pre-paid mail by depositing the same with the U.S. Postal Service on this 8th day of January, 2004 to the attorneys for the Opposer at the following addresses:

FULBRIGHT & JAWORSKI L.L.P.  
Attn: J. Paul Williamson  
801 Pennsylvania Avenue, NW  
Washington, D.C. 20004

  
\_\_\_\_\_  
Stephen L. Baker

DATED: January 8, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202.

Date of deposit: January 8, 2004

Name of Applicant, Assignee,  
or Registered Representative: Baker and Rennells PA

Signature:   
\_\_\_\_\_

Date of Signature: January 8, 2004

TTAB

**BAKER AND RANNELLS PA**  
ATTORNEYS AT LAW

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RELATED MATTERS  
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01-12-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

RE: G.D. Searle & Co. v. BioMarine Ltd.  
Opposition No. 118,621  
Serial No. 75/498,497  
Mark: SEARX

Dear Sir or Madam:

On December 25, 2003, we filed a motion in the above captioned matter with incorrect Opposition and Serial numbers listed in the caption. Attached is a motion with the correct Opposition and Serial numbers.

Yours very truly,

BAKER and RANNELLS PA

  
\_\_\_\_\_  
Stephen Baker