

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: March 1, 2004

Opposition No. 91118621

G. D. SEARLE & CO.

v.

BIOMARINE LTD.

Peter Cataldo, Interlocutory Attorney

On May 28, 2003, the parties filed applicant's proposed amendment to the mark in its application Serial No. 75498497, with opposer's consent, and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment. On July 9, 2003, the Board rejected the proposed amendment and allowed the parties additional time in which to submit a substitute amendment. On January 12, 2004, applicant filed a substitute amendment, depicting the mark as shown below:

SEA-Rx

Inasmuch as the amendment is clearly acceptable as indicated in the Board's July 9, 2003 order, and because

opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice.

***By the Trademark Trial
and Appeal Board***