



TTAB

Attorney Ref.: 200916 GDK/dh

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

Block Drug Company, Inc.,

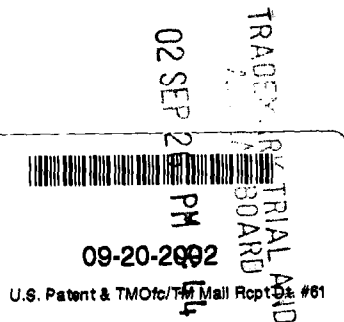
Opposer,

vs.

Om-Chi Herb Co.,

Applicant

Opposition No.: 124,08



OPPOSER'S WITHDRAWAL OF OPPOSITION

Opposer, by its attorney, hereby withdraws the opposition pursuant to a settlement agreement between the parties.

It is noted that, pursuant to a settlement agreement between the parties, Applicant filed an amendment to the description of goods in its application on July 11, 2002. Pursuant to a telephone interview held between the attorneys for the parties and Interlocutory Attorney, Andrew P. Baxley of the Trademark Trial and Appeal Board on September 6, 2002, the parties agreed to amend the description of goods in the application to read:

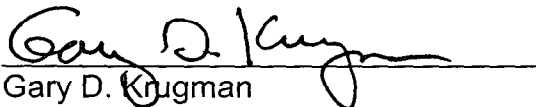
"Cognition enhancing nutritional supplements for sale and distribution only in health food stores and herbal shops, via online herbal outlets, including Registrant's web site, by health practitioners, and at herbal conferences".

On September 6, 2002, the TTAB issued an Order approving the amendment and entering it in the application. The September 6, 2002 order allowed Opposer time

in which to withdraw the opposition failing which, the opposition would go forward based on the application as amended. Since the approved amendment to the description of goods resolves the differences between the parties, Opposer hereby withdraws the opposition pursuant to the settlement agreement between the parties. Accordingly, it is respectfully requested that the opposition be dismissed.

Respectfully submitted,

BLOCK DRUG COMPANY, INC.

By: 
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Date: September 20, 2002

Certificate of Service

I, Gary D. Krugman, hereby certify that on this 20th day of September 2002, a true copy of the foregoing **Opposer's Withdrawl of Opposition** was sent via facsimile and first class mail, postage pre-paid to

Maria Trost
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