

Express Mail No.: **EV 353 752 977 US**

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

PARKEDALE PHARMACEUTICALS, INC.

Opposer,

v.

BASF AGROCHEMICAL PRODUCTS B.V.
(by assignment from AMERICAN
CYANAMID COMPANY)

Applicant,

Opposition No. 124,255

Trademark: ADRENALIN
Serial No.: 75/933,512

Applicant's Attorney Docket Nos.
BAAG USA TA-0401512
BAAG USA TC-0401520



06-04-2004
U.S. Patent & TMO/Tr/TM Mail Rpt Dt. #78

CONDITIONAL WITHDRAWAL OF OPPOSITION WITH CONSENT

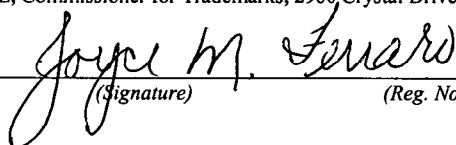
Opposer, Parkedale Pharmaceuticals, Inc., by its attorney, and Applicant, BASF Agrochemical Products B.V., by its attorneys, hereby stipulate and agree as follows:

1. Applicant, with the consent of Opposer, has filed an "AMENDMENT TO TRADEMARK APPLICATION, WITH CONSENT, PURSUANT TO SETTLEMENT" (the "Amendment"), a copy of which is attached as Exhibit A hereto, with the Trademark Trial and Appeal Board ("the Board") to amend the mark ADRENALIN in application Serial No. 75/933,512 (published for Opposition on October 9, 2001) to ADRENALYN.

CERTIFICATE UNDER 37 C.F.R. 1.10

I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail No. **EV 353 752 977 US** in the envelope addressed to: Box TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, on June 4, 2004.

Joyce M. Ferraro
(Name)


(Signature)

(Reg. No.)

June 4, 2004
(Date of Signature)

2. Conditional upon approval by the Board of the requested Amendment or Applicant's express abandonment (withdrawal) of application Serial No. 75/933,512, with the consent of Applicant, Opposer hereby withdraws Opposition No. 124,255, pursuant to Trademark Rule 2.106(c), 37 C.F.R. §2.106(c).

SO STIPULATED AND AGREED:

By: Linda M. Buckley
Linda M. Buckley (31,003)
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
(617) 439-4444

Attorney for Opposer

Date: May 27, 2004

By: Joyce M. Ferraro
David Weild III
Joyce M. Ferraro
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 United Nations Plaza
New York, NY 10017
(212) 813-5900

Attorneys for Applicant

Date: April 19, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **CONDITIONAL WITHDRAWAL OF OPPOSITION WITH CONSENT** has been served upon Linda M. Buckley, Esq., Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02110, the address designated for that purpose, by depositing a true copy of the same with the United States Postal Service as first-class mail on June 4, 2004.



Joyce M. Ferraro

Express Mail No.: EV 344 798 750 US

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

PARKEDALE PHARMACEUTICALS, INC.

Opposer,

v.

BASF AGROCHEMICAL PRODUCTS B.V.
(by assignment from AMERICAN
CYANAMID COMPANY)

Applicant,

Opposition No. 124,255

Trademark: ADRENALIN
Serial No.: 75/933,512

Applicant's Attorney Docket Nos.
BAAG USA TA-0401512
BAAG USA TC-0401520



06-04-2004

U.S. Patent & TMO/TM Mail Report

**AMENDMENT TO TRADEMARK APPLICATION, WITH CONSENT,
PURSUANT TO SETTLEMENT**

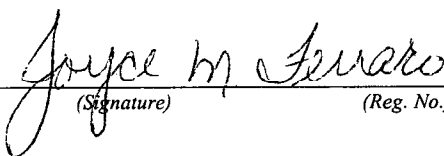
Applicant, BASF Agrochemical Products B.V., respectfully requests that the mark ADRENALIN in application Serial No. 75/933,512 (published for Opposition on October 9, 2001 and opposed by Parkedale Pharmaceuticals, Inc.) be amended to ADRENALYN. Such amendment is requested pursuant to a settlement agreement between Applicant and Opposer in Opposition No. 124,255 and is made with Opposer's consent.

Applicant respectfully submits that the change in the spelling of the mark from ADRENALIN to ADRENALYN is minor and therefore not considered a material alteration of the mark. TMEP § 1505.01 (c). Further, Applicant respectfully submits that such amendment does not require republication of the application and should therefore be accepted pursuant to TMEP § 1505.01 (c); See generally 37 C.F.R. § 2.72.

CERTIFICATE UNDER 37 C.F.R. 1.10

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Joyce M. Ferraro
(Name)


(Signature)

(Reg. No.)

June 4, 2004
(Date of Signature)

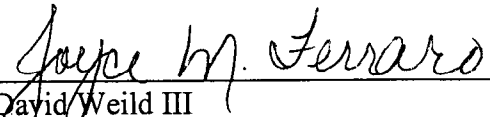
Accordingly, Applicant respectfully requests that the amendment to the mark in application Serial No. 75/933,512 from ADRENALIN to ADRENALYN be entered into the records of the Patent and Trademark Office.

If Applicant's amendment is finally rejected by the Examiner, Opposer consents to an appeal by Applicant to the Board of the Examiner's decision. If Applicant files such appeal and it is denied by the Board, Applicant hereby expressly abandons application Serial No. 75/933,512. Additionally, if Applicant's amendment is finally rejected by the Examiner and Applicant is not successful in overcoming the final rejection and does not appeal such final rejection to the Board, Applicant hereby expressly abandons application Serial No. 75/933,512.

Respectfully submitted,

Date: April 19, 2004

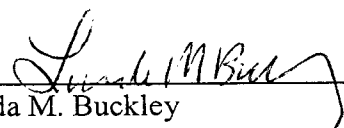
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Opposer, Parkedale Pharmaceuticals, Inc., by its attorney, hereby consents to said amendment of application Serial No. 75/933,512 as set forth above.

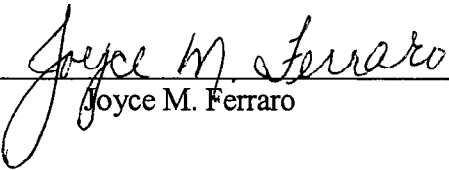
Date: May 27, 2004

By:


Linda M. Buckley
EDWARDS & ANGELL, LLP
101 Federal Street
Boston, Massachusetts 02110
(617) 517-5517

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **AMENDMENT TO TRADEMARK APPLICATION, WITH CONSENT, PURSUANT TO SETTLEMENT** has been served upon Linda M. Buckley, Esq., Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02110, the address designated for that purpose, by depositing a true copy of the same with the United States Postal Service as first-class mail on June 4, 2004.



Joyce M. Ferraro

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Our Ref.: BAAG USA TC-0401520

Cindy B. Greenbaum, Esq.
 United States Patent and Trademark Office
 Trademark Trial and Appeal Board
 2900 Crystal Drive
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Re: Opposition No. 124,255 to ADRENALIN, App. No. 75/933,512
(Parkedale Pharmaceuticals, Inc. v. BASF Agrochemical Products B.V.)

Dear Ms. Greenbaum:

Enclosed is a conditional withdrawal, with Opposer's consent, of the referenced
 Opposition No. 124,255.

Please consider the filing of this document as an appearance in this case as I am
 an attorney authorized to act on behalf of Applicant, BASF Agrochemical Products B.V., and
 change the address for correspondence to:

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Cindy B. Greenbaum, Esq.
June 4, 2004
Page 2

Please feel free to contact me with any questions.

Very truly yours,


Joyce M. Ferraro

Enclosure