

ESTTA Tracking number: **ESTTA237499**

Filing date: **09/18/2008**

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

Proceeding	91162940
Party	Plaintiff La Vida Medical Group, Inc.
Correspondence Address	Jessica C. Bromall Jeffer, Mangels, Butler & Mangels 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067-4308 UNITED STATES trademarkdocket@jmbm.com, JBromall@jmbm.com
Submission	Other Motions/Papers
Filer's Name	Jessica C. Bromall
Filer's e-mail	trademarkdocket@jmbm.com
Signature	/jessica c. bromall/
Date	09/18/2008
Attachments	Amendment & Withdrawal.pdf (2 pages)(26503 bytes)

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

LaVida Medical Group, Inc.

Opposer,

v.

VidaCare Inc.

Applicant.

Opposition No. 91162940

CONSENTED MOTION TO AMEND APPLICATION
AND WITHDRAWAL OF OPPOSITION WITH PREJUDICE

Applicant herein requests that the description of goods in Application No. 78/267318 for VIDACARE be amended from "managed health care services for those with special needs" to:

Managed health care services for those with special needs, namely, persons who are HIV positive.

It is submitted that the requested amendment constitutes a narrowing of the previous identification. Opposer has provided its written consent thereto.

Upon entry of the amendment, Opposer requests that the Opposition be dismissed with prejudice.

Date: July 14, 2008

By: Respectfully submitted,


JULIE B. SEYLER

Attorney for Applicant

ABELMAN FRAYNE & SCHWAB
666 Third Avenue
New York, New York 10017
212-949-9022

Date: 9/17/2008

By:

J. Bromall
Jessica G. Bromall, Esq.

Attorneys for Opposer

**JEFFER, MANGELS, BUTLER &
MARMARO LLP**
1900 Avenue of the Stars
Los Angeles, CA 90067-4308
310-712-6838