

ESTTA Tracking number: **ESTTA84764**

Filing date: **06/09/2006**

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

Proceeding	91169425
Party	Defendant Breckenridge Pharmaceutical, Inc. Breckenridge Pharmaceutical, Inc. P.O. Box 206 Boca Raton, FL 33429
Correspondence Address	SOLOMON ZOBBERMAN BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP. 2500 N MILITARY TRL STE 480 BOCA RATON, FL 33431-6354 jgarrity@BDBLAW.com
Submission	Motion to Amend Application
Filer's Name	Joseph D. Garrity
Filer's e-mail	jgarrity@bdblaw.com
Signature	/joseph d garrity/
Date	06/09/2006
Attachments	BOCA-#117193-v1-Motion_to_Amend.pdf (2 pages)(292473 bytes)

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

In The Matter of Application Serial No. 78/557,555
Filed February 1, 2005
For Trademark TRITAL DM
Published in the Official Gazette of November 1, 2005

AVENTIS PHARMA DEUTSCHLAND GMBH,

Opposer,

Opposition No. 91 169,425

v.

FLORIDA BRECKENRIDGE, INC., DBA
BRECKENRIDGE PHARMACEUTICAL INC.,

Applicant.

**APPLICANT'S CONSENT MOTION TO AMEND APPLICATION AND
FOR APPROVAL OF THE AMENDED APPLICATION**

Applicant, FLORIDA BRECKENRIDGE, INC., DBA BRECKENRIDGE
PHARMACEUTICAL INC., by and through undersigned counsel, hereby file this Motion to
Amend its Application and for Approval of the Amended Application and states as follows:

1. The parties have entered into a settlement agreement wherein it was agreed that the
application having the Serial No. 78/557,555, filed on February 1, 2005, for the trademark: TRITAL
DM would be amended as follows:

Goods and Services IC 005, US 006 019 044 046 051 052. G & S: Pharmaceutical preparation, dispensed in liquid
form, used as an antihistamine, nasal decongestant, and cough suppressant. FIRST USE:
20040102. FIRST USE IN COMMERCE: 20040102

2. The underlined portions of the description of Goods and Services have added in
accordance with the settlement agreement. The added language is a narrowing of the goods

described in the previously examined and approved application. With such amendment the Opposer has agreed to dismiss its opposition and has consented to this Motion.

WHEREFORE, the Applicant respectfully requests that the TTAB enter such order and take such action necessary to cause the above referenced amendment to be entered in the Application having the Serial No. 78/557,555, directing the Application be granted within the Trademark Office of the United States Patent and Trademark Office and dismissing this opposition without further filing hereon.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Answers to First Set of Interrogatories was served on Opposer by mailing a true and correct copy thereof to Opposer's attorneys, Midge M. Hyman and Jonathan Z. King, 1133 Avenue of the Americas, New York, NY 10036-6799 this 9th day of June, 2006.

Respectfully submitted,

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP

By: _____

Robert Petshes

Florida Bar No. 301906

Joseph D. Garrity

Florida Bar No. 87531

Attorneys for Applicant

2500 N. Military Trail, Suite 480

Boca Raton, FL 33431

(561) 241-0414 Telephone

(561) 241-9766 Facsimile