

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

In the matter of Application Serial No. 78/743953
Filed on October 31, 2005
For the mark ACIRYL
Published in the *Official Gazette* on October 17, 2006

TTAB

LILLY ICOS L.L.C.,

Opposer

v.

DEPOMED, INC.,

Applicant

OPPOSITION NO. 91175638

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Please find enclosed a copy of Applicant Depomed, Inc.'s Request to Amend Application with Consent for the above referenced opposition, filed in accordance with the settlement agreement entered into by the parties. Please stamp the enclosed reply postcard to evidence your receipt of this document.

Dated: May 29, 2007


Respectfully Submitted,
HELLER EHRMAN LLP

By: 

Thayer M. Preece
Attorney for Applicant
DEPOMED, INC.
275 Middlefield Road
Menlo Park, CA 94025
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Enclosures

SV 2280185 v1


05-31-2007

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

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OPPOSITION NO. 91175638

Request to Amend Application
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REQUEST TO AMEND APPLICATION WITH CONSENT

Applicant respectfully requests that the Board amend the above referenced application to replace the current listing of goods in International Class 005 to read as follows:

“Pharmaceutical preparations for the treatment of neurological disorders, neuropathic pain, seizures, neuralgia and symptoms of menopause”

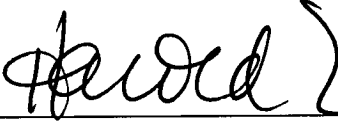
Opposer has consented to this amendment, submitted in accordance with the terms of the settlement agreement entered into by the Parties.

Applicant believes that a fee is not required, however, you are authorized to withdraw any amount in deficiency from Deposit Order Account No. 08-1645 (Reference No. 22038-0007).

Dated: May 29, 2007

Respectfully submitted,

HELLER EHRMAN LLP

By: 

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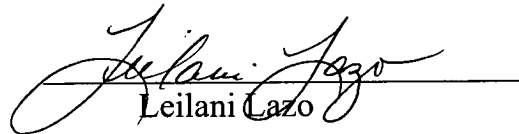
Attorney for Applicant
DEPOMED, INC.

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CERTIFICATE OF MAILING

I hereby certify that the Request to Amend Application with Consent is being deposited with the United States Postal Service with sufficient postage as First Class Mail service in an envelope addressed to: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on May 29, 2007.

DATED: May 29, 2007.


Leilani Lazo