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

Proceeding	91188684
Party	Defendant Barr Laboratories, Inc.
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Date	05/14/2010
Attachments	1710withdrawandservice.pdf (3 pages)(186209 bytes)

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

In the Matter of Application Serial No. 78/846,866
Published on October 7, 2008

MERZ PHARMA GMBH & CO. KGAA,

Opposer,

v.

BARR LABORATORIES, INC.,

Applicant.

Opposition No. 91188684

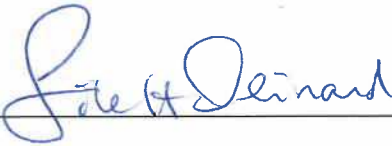
**WITHDRAWAL OF OPPOSITION
AND COUNTERCLAIM TO CANCEL
U.S. REG. NO. 3,251,058 WITH
PREJUDICE ON CONSENT OF
BOTH PARTIES**

Opposer Merz Pharma GmbH & Co. KgAA hereby withdraws Opposition No. 91188684 to Application Serial No. 78/846,866 to register JOLESSA of Barr Laboratories, Inc. with prejudice and Applicant consents thereto.

Applicant Barr Laboratories, Inc., owner of Application Serial No. 78/846,866 for the mark JOLESSA hereby withdraws its counterclaim to cancel Opposer's U.S. Reg. No. 3,251,058 alleged in Opposition No. 91188684 with prejudice and Opposer Merz Pharma GmbH & Co. KgAA hereby consents thereto.

Wherefore, the parties request that the Opposition be dismissed with prejudice and that Barr Laboratories' counterclaim be dismissed with prejudice.

MERZ PHARMA GMBH & CO. KGAA

By: 


Dated: May 4, 2010

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BARR LABORATORIES, INC.

By: 

Dated: May 12, 2010

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CERTIFICATE OF SERVICE

I certify that a copy of the **WITHDRAWAL OF OPPOSITION AND COUNTERCLAIM TO CANCEL U.S. REG. NO. 3,251,058 WITH PREJUDICE ON CONSENT OF BOTH PARTIES** was served via FedEx on May 14, 2010:

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