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Filing date: **08/17/2011**

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

Proceeding	91196900
Party	Defendant Acella Pharmaceuticals, LLC
Correspondence Address	CHARLES W FORLIDAS MILLER & MARTIN PLLC 832 GEORGIA AVE STE 1000, VOLUNTEER BLDG CHATTANOOGA, TN 37402-2289 UNITED STATES cforlidas@millermartin.com, TrademarkNotices@millermartin.com
Submission	Withdrawal Of Application
Filer's Name	Charles W. Forlidas
Filer's e-mail	cforlidas@millermartin.com, TrademarkNotices@millermartin.com
Signature	/Charles W. Forlidas/
Date	08/17/2011
Attachments	081711 Stipulated Motion to Dismiss Opposition.pdf ( 2 pages )(57558 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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NOVARTIS AG	)	
	)	
Opposer,	)	Opposition No. 91196900
	)	
v.	)	Application No. 77/893,681
	)	Mark: XOLAFIN
ACELLA PHARMACEUTICALS, LLC	)	
	)	
Applicant.	)	


STIPULATED MOTION TO DISMISS OPPOSITION

Applicant Acella Pharmaceuticals, LLC (“Applicant”) has agreed to expressly abandon the subject Application. Opposer Novartis AG (“Opposer”) consents to this abandonment.

Contingent upon the abandonment of the Application described above, Opposer respectfully requests dismissal of this opposition. Applicant consents to this Withdrawal, as evidenced by the signature of Applicant’s counsel below. Accordingly, and pursuant to TBMP §601.01, Opposer requests that this withdrawal of the opposition be entered without prejudice.


Dated this 17<sup>th</sup> day of August, 2011.

Respectfully submitted,

By:   
Maury M. Tepper, III  
Tepper & Eyster, PLLC  
3724 Benson Drive  
Raleigh, NC 27609

Attorneys for Opposer,  
Novartis AG

Respectfully submitted,

By:   
Charles W. Forlidas  
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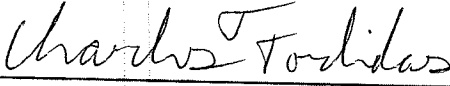
Attorneys for the Applicant,  
Acella Pharmaceuticals, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing STIPULATED DISMISSAL OF OPPOSITION has been served on counsel for Petitioner via first class mail, postage prepaid, to:

Maury M. Tepper, III  
Tepper & Eyster, PLLC  
3724 Benson Drive  
Raleigh, NC 27609

This 17<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
Charles W. Forlidas