

ESTTA Tracking number: **ESTTA763423**

Filing date: **08/09/2016**

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

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|------------------------|--|
| Proceeding | 91221097 |
| Party | Defendant DeVita International, Inc. |
| Correspondence Address | DAVID B GOLDSTEIN HYMSON GOLDSTEIN & PANTILIAT PLLC 16427 N SCOTTSDALE ROAD, SUITE 300 SCOTTSDALE, AZ 85254 UNITED STATES ipgroup@legalcounselors.com |
| Submission | Withdrawal Of Application |
| Filer's Name | David B. Goldstein |
| Filer's e-mail | minute@legalcounselors.com |
| Signature | /David B. Goldstein/ |
| Date | 08/09/2016 |
| Attachments | DEVITA NOTICE OF ABANDONMENT.pdf(13297 bytes) |

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8 *Attorneys for Applicant Devita International, Inc.*

9 **IN THE U.S. PATENT AND TRADEMARK OFFICE**
10 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

11 LAUER ENTERPRISES, INC.;

12 Opposer,

13 v.

14 DEVITA INTERNATIONAL, INC.,

15 Applicant.

Opposition No. 91221097

Mark: OH BABY

Serial No. 85966535

Filing Date: June 21, 2013

16 **NOTICE OF ABANDONMENT OF APPLICATION**

17 NOTICE IS HEREBY GIVEN that Applicant DEVITA INTERNATIONAL, INC.
18 (“Applicant”), by and through undersigned counsel, pursuant to 37 C.F.R. §2.135, hereby
19 abandons Applicant’s trademark application for Oh Baby, Serial No. 85966535 filed June
20 21, 2013. Opposer consents to this abandonment. Accordingly, the above-captioned
21 proceeding is moot.

22 DATED this 9th day of August, 2016.

23 **HYMSON GOLDSTEIN & PANTILIAT, PLLC**

24 /s/ David B. Goldstein

25 David B. Goldstein (SBN 003410)

26 Lori N. Brown (SBN 027952)

27 *Attorneys for Applicant Devita International, Inc.*

CERTIFICATE OF SERVICE

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I hereby certify that a true and correct copy of the foregoing **NOTICE OF ABANDONMENT OF APPLICATION** has been served on the Opposer Lauer Enterprises, Inc. by mailing a copy of that Notice on this 9th day of August, 2016, via First Class mail, postage prepaid to Counsel for the Opposer:

Brent E. Routman
Merchant & Gould, P.C.
PO Box 2910
Minneapolis, MN 55402

/s/ Nicole Turner
Nicole Turner