

ESTTA Tracking number: **ESTTA772760**

Filing date: **09/26/2016**

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

Proceeding	91229371
Party	Defendant L. Perrigo Company
Correspondence Address	Lawrence E. Laubscher, Jr. Laubscher Spendlove & Laubscher, PC 1160 Spa Road, Suite 2B Annapolis, MD 21403 UNITED STATES llaubscher@laubscherlaw.com
Submission	Withdrawal Of Application
Filer's Name	Lawrence E. Laubscher, Jr.
Filer's e-mail	llaubscher@laubscherlaw.com
Signature	/leljr/
Date	09/26/2016
Attachments	Consented Withdrawal With Prejudice 2016-09-26.pdf(122049 bytes)

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

Société des Produits Nestlé S.A.,

Opposer,

v.

L. Perrigo Company,

Applicant.

Opposition Proceeding No. 91229371

Application Serial No. 86/779,473

Mark: VITAFLAV

WITHDRAWAL OF APPLICATION WITH PREJUDICE WITH CONSENT OF OPPOSER

IVP, LLC, the assignee of the entire right, title and interest of U.S. Application Serial No. 86/779,473 for the mark VITAFLAV (the "Application") (*see* Reel/Frame: 5865/0289), by and through the undersigned counsel, hereby expressly withdraws and abandons the Application with prejudice with the consent of Opposer pursuant to 37 C.F.R. §2.135. Opposer, Société des Produits Nestlé S.A., through its undersigned attorney, consents to the withdrawal and abandonment of the Application with prejudice. The parties request that upon withdrawal of the subject Application, Opposition No. 91229371 be dismissed without prejudice.

Dated: September 26, 2016

Respectfully submitted,

By: /Lawrence E. Laubscher, Jr./

Lawrence E. Laubscher, Jr.
Laubscher, Spendlove & Laubscher, PC
1160 Spa Road, Suite 2B
Annapolis, MD 21403
410-280-6608
llaubscher@laubscherlaw.com
Attorneys for IVP, LLC

Dated: September 26, 2016

Respectfully submitted,

By: /Nadya C. Davis/

Nadya C. Davis
Holland & Hart LLP
Attorneys for Société des Produits Nestlé S.A.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing WITHDRAWAL OF APPLICATION WITH PREJUDICE WITH CONSENT OF OPPOSER was served upon Opposer's counsel by e-mail message to Nadya C. Davis (ncdavis@hollandhart.com), Holland & Hart, P.O. Box 8749, Denver, CO 80201, this 26th day of September 2016. Opposer's counsel consented to receive service by e-mail message.

By: /Lawrence E. Laubscher, Jr./
Lawrence E. Laubscher, Jr.