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Filing date: **04/19/2019**

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

Proceeding	91243360
Party	Defendant MediSens Wireless, Inc.
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Submission	Motion to Amend Application
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Date	04/19/2019
Attachments	Motion_to_Amend_Application_and_Dismiss_Opposition.pdf(28739 bytes)


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

In the matter of Application
Serial Nos. 87/650,896 and 87/650,902
Filed: October 18, 2017

For the mark: 
Published: March 6, 2018

ABBOTT LABORATORIES, : OPPOSITION NO. 91243360
Opposer, :
 :
 :
 :
 :
v. :
 :
MEDISENS WIRELESS, INC., :
 :
Applicant. :

**JOINT MOTION ON CONSENT TO PERMIT POST-PUBLICATION
AMENDMENTS AND FOR CONDITIONAL DISMISSAL OF OPPOSITION WITH
PREJUDICE**

Abbott Laboratories (“Opposer”) and MediSens Wireless, Inc. (“Applicant”) hereby
move to amend the identification of the goods of the mark  contained in
U.S. Trademark Application Nos. 87/650,896 and 87/650,902, which are the subject of the
above-captioned Opposition proceeding; and to dismiss the Opposition proceeding with
prejudice conditioned upon acceptance of the post-publication amendments.

Applicant proposes, with Opposer’s consent, to amend the language of the identified
goods contained within U.S. Trademark Application Nos. 87/650,896 and 87/650,902 to the
following (language to be added indicated in bold):

Application No. 87/650,896: Computer software, for use with wireless medical
monitoring systems **not related to diabetes** for receiving, processing,
transmitting and displaying **data related to patient incident pressure, namely,
pressure at any single point on the body, for patient movement to determine
the classification of movement, and for patient posture while patient is in bed**

Application No. 87/650,902: Wireless medical monitoring platforms **not related to diabetes**, namely, medical devices for monitoring patient incident pressure, namely, pressure at any single point on the body, for monitoring patient movement to determine the classification of movement, and for detecting patient posture while patient is in bed; Wireless medical monitoring device for monitoring and detection of patient bed wetness

The Parties believe the aforementioned amendments are appropriate in that they are clearly limiting and restricting in nature under TMEP 1505.02(a) and 37 C.F.R. § 2.71(a). The purpose of this Joint Motion is to put into effect the terms of a settlement reached by the Parties which would avoid further proceedings before the Board.

The Parties further stipulate that if the Board approves the proposed amendments, the applications shall be amended accordingly and the subject opposition be dismissed with prejudice. In the alternative, the Parties request that the Board re-suspend the subject opposition for another thirty (30) days in the event that the proposed amendments are not approved, to allow Applicant and Opposer additional time for settlement discussions.

WHEREFORE, the Parties respectfully request the Board to allow the post-publication amendments and to dismiss this Opposition with prejudice upon acceptance of the amendments.

OPPOSER

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APPLICANT

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Dated: April 19, 2019

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **JOINT MOTION ON CONSENT TO PERMIT POST-PUBLICATION AMENDMENTS AND FOR CONDITIONAL DISMISSAL OF OPPOSITION WITH PREJUDICE** to be served upon:

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via electronic mail, on this 19th day of April, 2019

/chris civil/

Chris Civil