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

Proceeding	91244563
Party	Plaintiff Bayer HealthCare LLC
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Date	01/24/2019
Attachments	Joint Stipulation to Amend.pdf(940284 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Ser. No. 87/914,405: PROSTALEVE

BAYER HEALTHCARE LLC,)	
)	
Opposer,)	Opposition No. 91244563
)	
v.)	
)	
HAL BELL and HENRY VARGAS)	
)	
Applicants.)	

**JOINT STIPULATION TO SET ASIDE NOTICE OF DEFAULT AND AMEND
APPLICATION, AND WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE**

Applicants and Opposer hereby stipulate to set aside the notice of default and to the following amendment to the identification of goods for the application to register

PROSTALEVE (Serial No. 87/914,405) (additions in bold, deletions in strike-through):

International Class 010: Heating pads for ~~medical purposes~~ **use in relieving symptoms of an enlarged prostate**; Heating pads, electric, for ~~medical purposes~~ **use in relieving symptoms of an enlarged prostate**; Electric automatic moist heating pad for ~~medical purposes~~ **use in relieving symptoms of an enlarged prostate, none of the foregoing for use in relieving fever, or colds or for providing electrical stimulation for nerves for therapeutic purposes; all of the foregoing excluding products for pain and inflammation unrelated to an enlarged prostate.**

As amended, the final identification of goods is:

Heating pads for use in relieving symptoms of an enlarged prostate; Heating pads, electric, for use in relieving symptoms of an enlarged prostate; Electric automatic moist heating pad for use in relieving symptoms of an enlarged prostate, none of the foregoing for use in relieving fever, or colds or for providing electrical stimulation for nerves for therapeutic purposes; all of the foregoing excluding products for pain and inflammation unrelated to an enlarged prostate.

In accordance with TBMP § 514, Opposer consents to this amendment of the identification of goods.

Contingent upon the Board's entry of the above-referenced amendment to the identification of goods in Serial 87/914,405, Opposer hereby withdraws Opposition No. 91244563 without prejudice.

Dated: January 24, 2019

Respectfully submitted,

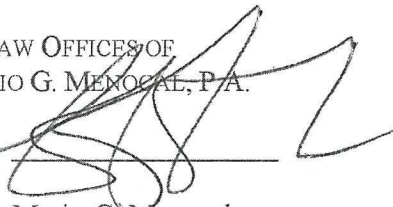
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CERTIFICATE OF SERVICE

I, Jessica A. Ekhoﬀ, certify that a true and correct copy of the foregoing was served by e-mail on this 24th day of January 2019, on Hal Bell and Henry Vargas through their counsel:

Mario G. Menocal, Esq.
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