

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

MOCAP INCORPORATED, et al.,

Opposers,

vs.

SINCLAIR & RUSH, INC.,

Applicant.

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# 75 334 728

Opposition Nos. 91116797  
91116795  
91116796  
91116787

UNITED STATES PATENT AND  
TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on the date below:	
11/13/07 DATE	<i>Michelle R. Brewer</i> SIGNATURE

**DISMISSAL WITH PREJUDICE**

Opposers, Niagara Plastics Company, Alliance Plastics, Harman Corporation, and MOCAP Incorporated, hereby notified the Board that the parties have resolved the above-identified matters and desire to terminate the proceedings. This resolution is based on the settlement of an underlying civil suit between the parties, for which these proceedings were suspended as of March 21, 2006. A joint stipulation of dismissal with prejudice has been filed in the underlying civil suit and the Court has dismissed the case. Opposers hereby notify the Board of the civil suit's resolution so that these proceedings may be dismissed or called up for other appropriate action as the Board deems necessary.

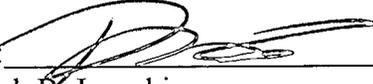
Therefore, pursuant to Rule 41(a)(1), Fed. R. Civ. P., Opposers hereby dismiss these proceedings, with prejudice.



11-13-2007

MOCAP INCORPORATED, ET AL.

Date: November 7, 2007

By:   
Frank B. Janoski  
Bridget Hoy  
LEWIS RICE & FINGERSH, L.C.  
500 N. Broadway, Suite 2000  
St. Louis, MO 63102-2147  
Telephone: (314) 444-7600  
Facsimile: (314) 612-7600

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Dismissal With Prejudice was served by first class mail, postage prepaid, to:

Michael A. Kahn  
Peter W. Salsich, III  
BLACKWELL SANDERS PEPER MARTIN LLP  
720 Olive Street, 24th Floor  
St. Louis, MO 63101

on the 7th day of November, 2007.

  
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