

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

3 ALSTOM ESCA CORPORATION

4  
5 Opposer,

6 v.

7 E-TERRA, LLC,

8  
9 Applicant.

Opposition Nos. 150,707  
124,019

AGREED STIPULATION TO  
WITHDRAW AND DISMISS  
OPPOSITION PROCEEDINGS



01-21-2004

U.S. Patent & TMO/OTM Mail Rcpt Dt. #22

11 The parties hereby stipulate to dismiss this proceeding with prejudice. The parties have  
12 entered into a Settlement Agreement dated November 5<sup>th</sup>, 2003 settling all of their disputes in  
13 this proceeding.  
14

15 Accordingly, the parties request the Board to dismiss the consolidated proceedings.

16  
17 Date: 1/20/04

18 LASHER HOLZAPFEL  
19 SPERRY & EBBERSON, P.L.L.C.

20 By: Dean A. Messmer  
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Date: 1/12/03

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AGREED STIPULATION TO WITHDRAW AND  
DISMISS OPPOSITION PROCEEDINGS - 1

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**CERTIFICATE OF MAILING**

I certify that on ~~December 21, 2003~~, <sup>January 2004</sup> I mailed the original and two copies of the attached Agreed Stipulation to Withdraw and Dismiss Opposition Proceedings regarding Alstom ESCA Corporation v. E-Terra, LLC (Opposition Nos. 150,707 and 124,019) to:

Assistant Commissioner of Trademarks  
U.S. Patent & Trademark Office  
Box TTAB NO FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

and a copy to:

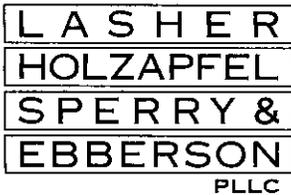
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**Re: Consolidated Oppositions – 124,019 and 150,707**

Dear Mr. Kochersperger:

Enclosed please find an original plus two copies of the Agreed Stipulation to Withdraw and Dismiss Opposition Proceedings. It is our intent to have this case dismissed pursuant to the parties' negotiated Settlement Agreement. If you need any additional information in order to do so, please do not hesitate to contact our office.

Please note that the date entered by Mr. Cyphers above his signature (1/12/03) should in fact read as 1/12/04. We look forward to receiving an acknowledgment from your office confirming this case has been dismissed. Thanks for your assistance in this matter.

Very truly yours,

LASHER HOLZAPFEL  
SPERRY & EBBERSON, P.L.L.C.

Rebekah Grant  
Intellectual Property Paralegal

/rg  
Enclosure  
cc: Dean A. Messmer  
Christopher D. Cyphers