

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

In the Matter of Application :
Surfmark, L.L.C. :
Serial No.: 76/138,471 :
Filed: October 2, 2000 :
For Trademark: EXIT :
Opposition No. 9150974 :

CERTIFICATE UNDER 37 CFR 1.9(a) (Trademark)
I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail on
the date indicated below in an envelope addressed to:
Assistant Commissioner for Trademarks
2900 Crystal Drive, Arlington, VA 22202-3513

Signature: [Handwritten Signature]
Date: July 9, 2002

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

STIPULATION OF DISMISSAL

The parties to the subject opposition, having resolved amicably their differences with respect to registration and use of the subject mark, hereby stipulate and agree that the subject opposition is to be dismissed with prejudice.

Applicant has voluntarily withdrawn its application for registration by express withdrawal, copy attached.

In view of the withdrawal of Applicant's application for registration, the opposition has become moot. Dismissal and remand of Opposer's application to the Examining Attorney for further proceedings is respectfully requested.

KUTAK ROCK LLP
Attorneys for Applicant

[Handwritten Signature]
By: Eden T. Whitten - Neb. Bar #20812
1650 Farnam Street
Omaha, NE 68102
(402) 346-6000 Telephone
(402) 346-1148 Fax

Date: 6/28/02

HOWSON AND HOWSON
Attorneys for Opposer

[Handwritten Signature]
By: Stanley B. Kita
Spring House Corporate Center
321 Norristown Road
Spring House, Pennsylvania 19477
(215) 540-9202 Telephone
(215) 540-9218 Fax

Date: 7/8/02

Trademark: EXIT
76/138,471

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of Application :
Surfmark, L.L.C. : **WITHDRAWAL OF**
Serial No.: 76/138,471 : **APPLICATION**
Filed: October 2, 2000 :
For Trademark: :
EXIT :
Opposition No. 9150974

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

Pursuant to Trademark Rules 2.68 and 2.135, 37 C.F.R. Sections 2.68 and 2.135, Applicant hereby expressly withdraws the above identified application with the consent of the Opposer, a copy of which is attached hereto and incorporated herein by this reference, with without prejudice.

Dated: June 17, 2002

Respectfully submitted,
KUTAK ROCK LLP
Attorneys for Applicant



By: Eden T. Whitten
The Omaha Building
1650 Farnam Street
Omaha, Nebraska 68102
(402) 346-6000

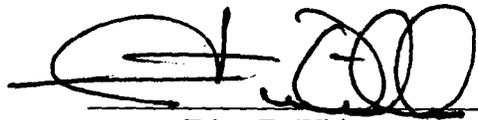
Trademark: EXIT
76/138,471

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this WITHDRAWAL OF APPLICATION is being deposited with the United States Postal Service in an envelope addressed to United State Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on the 17th day of June, 2002, for certified delivery, return receipt requested, number 7001 1140 0002 9413 6500.

CERTIFICATE OF SERVICE

I further certify that I have this 17th day of June, 2002, caused the foregoing WITHDRAWAL OF APPLICATION to be served upon the Opposer, Miller Chemical & Fertilizer Corporation, by mailing a copy first class, postage prepaid, to Opposer's counsel, Stanley B. Kita, Howson and Howson, Spring House Corporate Center, 321 Norristown Road, P.O. Box 457, Spring House, PA 19477.


Eden T. Whitten, Esq.

**Trademark: EXIT
76/138,471**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of Application	:	
Surfmark, L.L.C.	:	<u>OPPOSER'S CONSENT</u>
Serial No.: 76/138,471	:	<u>TO APPLICANT'S</u>
Filed: October 2, 2000	:	<u>WITHDRAWAL OF</u>
For Trademark:	:	<u>APPLICATION</u>
EXIT	:	
Opposition No. 9150974	:	

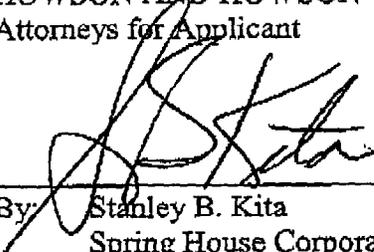
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

Pursuant to Trademark Rule 2.135, 37 C.F.R. Section 2.135, and subject to the terms of that certain Agreement between the Applicant and Opposer dated June 10, 2002, Opposer hereby consents to the Applicant's express withdrawal of the above identified application.

Dated: June 17, 2002

Respectfully submitted,
HOWSON AND HOWSON
Attorneys for Applicant

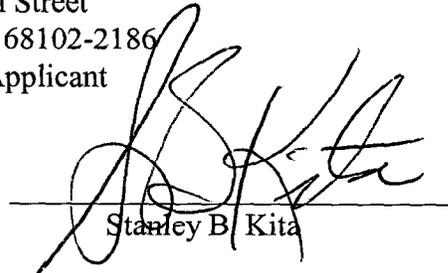


 By: Stanley B. Kita
 Spring House Corporate Center
 321 Norristown Road
 Spring House, Pennsylvania 19477
 (215) 540-9200

CERTIFICATE OF MAILING

The undersign hereby certifies that a true and correct copy of the foregoing Stipulation of Dismissal and Withdrawal of Application was placed in regular United States mail, first-class postage prepaid, on the 9th day of July, 2002, addressed to the following:

Eden T. Whitten, Esquire
Kutak Rock LLP
The Omaha Building
1650 Farnam Street
Omaha, Nebraska 68102-2186
Attorney for Applicant



Stanley B. Kita

TTAB

HOWSON AND HOWSON

ATTORNEYS AT LAW

Established 1853 Philadelphia

SPRING HOUSE CORPORATE CENTER

321 NORRISTOWN ROAD

P.O. BOX 457

SPRING HOUSE, PA 19477

PATENTS TRADEMARKS COPYRIGHTS

TELEPHONE (215) 540-9200

FACSIMILE (215) 540-5818

STANLEY B. KITA
GEORGE ANTHONY SMITH, JR.
MARY ELIZABETH BAK
CATHY A. KODROFF
WILLIAM BAK
HENRY HANSEN

Reg. Patent Agents
TRACY U. PALOVICH, Ph.D.
IRENE J. FRANGOS

Counsel
WILSON OBERDORFER
CHARLES M. ALLEN

July 9, 2002

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513



07-12-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #74

Re: Trademark: EXIT
Opposition No. 9150974

Sir:

Enclosed is a Stipulation of Dismissal and Withdrawal of Application for the above referenced trademark.

The Commissioner is hereby authorized to charge any deficiency in the fee to our Deposit Account No. 08-3040.

02 JUL 19 05 PM 12:05
TRADEMARK TRIAL AND
APPEAL BOARD

Respectfully submitted,

HOWSON AND HOWSON

Stanley B. Kita

SBK/mlr

Enclosures:

Stipulation of Dismissal
Withdrawal of Application

JA