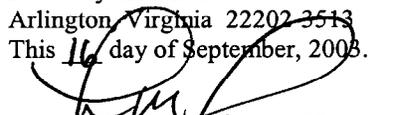


09/17/03 4/2 0092TTAB

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this document was deposited with the U.S. Postal Service, Express Mail "Post Office to Addressee Service" Express Mail No. EL 728876777 US to: The Trademark Trial and Appeal Board 2900 Crystal Drive Arlington, Virginia 22202-3513 This 16 day of September, 2003.

  
\_\_\_\_\_  
Lisa M. Gigliotti

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

In the Matter of Application Serial No. 76-328,038  
Published in the Official Gazette on September 17, 2002



09-17-2003

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

\_\_\_\_\_  
TONI & GUY (USA) LIMITED,

Opposer,

v.

Opposition No. 91156437

ARTEC SYSTEMS GROUP, INC.

Applicant.  
\_\_\_\_\_

**EXPRESS ABANDONMENT OF APPLICATION  
WITHOUT PREJUDICE AND WITH CONSENT**

Pursuant to Trademark Rule 2.135 of the Rules of Practice in Trademark Cases, 37 C.F.R. 2.135, L'Oreal USA Creative, Inc. (hereinafter "L'Oreal"), being the Applicant in Opposition No. 156,437 by way of assignment, see Reel/Frame No. 2577/0403, hereby abandons without prejudice Application Serial No. 76-328,038 for the mark ROOT BOOSTER.

09/12 4/2809TTAB

The express abandonment of Application Serial No. 76-328,038 without prejudice is being filed with the written consent of Opposer, Toni & Guy (USA) Limited, through its undersigned counsel of record.

Respectfully submitted,

L'OREAL USA CREATIVE, INC.

Dated: September <sup>16</sup>, 2003

By:   
\_\_\_\_\_  
Lisa M. Gigliotti  
575 Fifth Avenue  
New York, New York 10017  
Assistant Vice-President and  
Attorneys for Applicant

Opposer, Toni & Guy (USA) Limited, through its undersigned counsel of record in Opposition No. 91156437, hereby consents to Applicant L'Oreal USA Creative, Inc.'s express abandonment without prejudice of Application No. 76-328,038 for the mark ROOT BOOSTER.

CARSTENS, YEE & CAHOON, L.L.P.

Dated: September <sup>17</sup>, 2003

By:   
\_\_\_\_\_  
Name: David W. Carstens  
Address: P.O. Box 802334  
Dallas, Texas 75380  
Attorneys for Opposer

09/12 4/2 002TTAB

### CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below a true and correct copy of the foregoing EXPRESS ABANDONMENT OF APPLICATION WITHOUT PREJUDICE AND WITH CONSENT was served on this 16 day of September, 2003, on the attorney of record for Opposer by first class mail, postage prepaid, in an envelope addressed to:

David W. Carstens, Esq.  
Carstens, Yee & Cahoon, LLP.  
P.O. Box 802334  
Dallas, Texas 75380



\_\_\_\_\_  
Lisa M. Gighotti

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L'ORÉAL  
USA

Lisa M. Gigliotti  
Trademark Counsel

September 16, 2003



09-17-2003

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #22

Via Express Mail No. EL 728876777 US

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

Re: Opposition No. 91156437  
Serial No. 76-328,038

Dear Sir or Madam:

In accordance with 37 CFR §2.135, we enclose, in triplicate, an Express Abandonment of Application Serial No. 76/328,038 Without Prejudice and With Consent of Opposer in the above-referenced opposition proceeding. An acknowledgement card is enclosed.

Kindly address all correspondence on this matter to the undersigned attorney at the address listed on this letterhead.

Sincerely,

Lisa M. Gigliotti

cc: David W. Carstens, Esq.