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

76389091

JOSEPH ENTERPRISES, INC.,

Opposer,

vs.

NEOPETS, INC.,

Applicant.

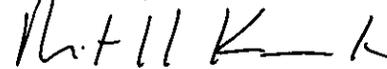
Opposition No. 91159234

**NEOPETS, INC.'S MOTION TO
DISMISS COUNTERCLAIM
PURSUANT TO RULE 12(b)**

The Applicant hereby moves, without prejudice, to dismiss its counterclaim in the above-identified Opposition pursuant to the parties' settlement..

Respectfully Submitted,

NEOPETS, INC.



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08-21-2006

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

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to ~~Assistant~~ Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 and Mary Shapiro, Two Embarcadero Center, 8th Floor, San Francisco, California 94111-3834 on July 31, 2006.

Date: July 31, 2006

By: M. H. K. K.
Mitchell D. Kamarck, Esq.
NeoPets, Inc.