

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

Mailed: December 20, 2004

Opposition No. 91160262

UMAC, INC

v.

UPSIDE SOFTWARE INC.

Frances S. Wolfson, Interlocutory Attorney:

Opposer, without the written consent of applicant, filed a withdrawal of the opposition on November 8, 2004.

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant.

In view thereof, and because the withdrawal was filed after answer, the opposition is dismissed with prejudice.

Applicant is allowed until THIRTY DAYS from the mailing date of this order to advise whether it wishes to go forward on the counterclaim, failing which the counterclaim will be dismissed.

***By the Trademark Trial
and Appeal Board***