

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

**TTAB**

|                                  |   |
|----------------------------------|---|
| Toyota Jidosha Kabushiki Kaisha, | ) |
| t/a Toyota Motor Corporation,    | ) |
|                                  | ) |
| Opposer                          | ) |
|                                  | ) |
| v.                               | ) |
|                                  | ) |
| Jack Schwartz Shoes, Inc.,       | ) |
|                                  | ) |
| Applicant                        | ) |
| _____                            | ) |

Opposition No.: 91/160,371  
U.S. Appln. Serial No.: 76/306,296  
Mark: v. L & Design

**CONSENT TO WITHDRAWAL OF APPLICATION**

WHEREAS, the instant application was opposed by Toyota Jidosha Kabushiki Kaisha, t/a Toyota Motor Corporation (“Toyota”);

WHEREAS, the parties have agreed to settle the opposition;

WHEREAS, pursuant to the settlement, *inter alia*, Applicant Jack Schwartz Shoes, Inc., (“JSSI”) agreed to withdraw the instant application and not to re-file same, but the parties agreed that use of the subject mark may continue pursuant to certain terms and conditions of the settlement:

NOW, THEREFORE, in consideration of the foregoing:

1. JSSI withdraws Application Serial No. 76/306,296 with the consent of Toyota.

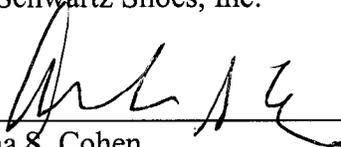


2. Toyota has consented to the withdrawal of the application so that JSSI will not suffer an adjudication on the merits, which would be entered if Toyota did not consent to the withdrawal of the application.

3. The consent by Toyota to the withdrawal of the application is subject to the terms of the Settlement Agreement.

Respectfully submitted,

Jack Schwartz Shoes, Inc.

By: 

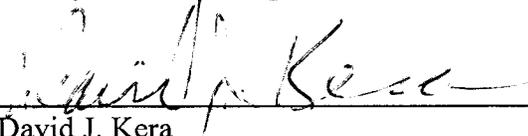
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Mark J. Speciner  
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Attorneys for Applicant

Date: 11/28/05

Consented to By:

Toyota Jidosha Kabushiki Kaisha,  
t/a Toyota Motor Corporation

By: 

David J. Kera  
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Attorneys for Opposer

Date: Nov. 10, 2005

**CERTIFICATE OF SERVICE**

This is to certify that on this 28th day of November, 2005, I caused a true and correct copy of the Consent to Withdrawal of Application to be served upon Attorney for Opposer at the following address:

David J. Kera, Esq.  
Oblon, Spivak, McClelland, Maier and Neustadt, P.C.  
1940 Duke Street  
Alexandria, VA 22314

  
LaToya R. Middleton