

ESTTA Tracking number: **ESTTA27667**

Filing date: **03/08/2005**

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

|                                   |  |
|-----------------------------------|--|
| <b>Proceeding</b>                 | 91164032   |
| <b>Party</b>                      | Plaintiff<br>HENRY THAYER COMPANY, D.B.A. THAYER'S NATURAL<br>REMEDIES                           |
| <b>Correspondence<br/>Address</b> | LINNEA M. SIMONS<br>CAPLAN AND EARNEST LLC<br>1800 BROADWAY, SUITE 200<br>BOULDER, CO 80302-5289 |
| <b>Submission</b>                 | Withdrawal of Opposition   |
| <b>Filer's Name</b>               | Derek H. Kiernan-Johnson   |
| <b>Filer's e-mail</b>             | dkiernan@celaw.com   |
| <b>Signature</b>                  | /Derek H. Kiernan-Johnson/   |
| <b>Date</b>                       | 03/08/2005   |
| <b>Attachments</b>                | motion for dismissal.pdf ( 2 pages )   |

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

In the matter of Application Serial No. 78/395,776  
Filing Date: April 2, 2004

|                                 |   |                           |
|---------------------------------|---|---------------------------|
| Henry Thayer Company            | ) |                           |
| d.b.a. Thayers Natural Remedies | ) |                           |
|                                 | ) |                           |
| Opposer,                        | ) |                           |
|                                 | ) |                           |
| v.                              | ) | Opposition No. 91,164,032 |
|                                 | ) |                           |
| Herbs, Etc., Inc.,              | ) |                           |
|                                 | ) |                           |
| Registrant.                     | ) |                           |
| _____                           | ) |                           |

OPPOSER’S MOTION FOR DISMISSAL OF PROCEEDINGS

Pursuant to Trademark Board Manual of Procedure 601, opposer Henry Thayer Company, d.b.a. Thayers Natural Remedies, respectfully requests that its opposition to registration of SINGER’S, Serial No. 78/395,776, be dismissed with prejudice. The parties to the opposition have settled amicably their dispute over the application.

Respectfully submitted,

Dated: March 8, 2005                                    /Derek H. Kiernan-Johnson/  
Derek H. Kiernan-Johnson  
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Counsel for Opposer  
Henry Thayer Company, d.b.a. Thayers Natural Remedies

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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| Henry Thayer Company, | ) |                           |
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| v.                    | ) | Opposition No. 91,164,032 |
|                       | ) |                           |
| Herbs, Etc., Inc.,    | ) |                           |
|                       | ) |                           |
| Registrant.           | ) |                           |
| _____                 | ) |                           |

CERTIFICATE OF SERVICE

This is to certify that I have this day served all counsel of record with the foregoing Opposer’s Motion for Dismissal of Proceedings by depositing a copy of the same in the United States mail, postage prepaid and properly addressed as follows:

Judith Sapp, Esquire  
Komondorok LLC  
111 West Street  
Portland, Maine 04102

This 8th day of March, 2005.

/Derek H. Kiernan-Johnson/  
Derek H. Kiernan-Johnson  
Counsel for Opposer