

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

Winter/cv

Mailed: January 2, 2008

Opposition No. 91168845

**NFL Properties LLC and
Panthers Football LLC**

v.

Reach Event Marketing, LLC

On October 2, 2007, the Board deferred consideration of opposer's withdrawal of its opposition filed on August 28, 2007, which was filed with applicant's written consent thereto, and allowed applicant time to file information regarding the disposition of its counterclaim. In response, applicant filed its withdrawal of the counterclaim on October 3, 2007, without opposer's written consent.

In view thereof, the opposition is dismissed *without prejudice*. See Trademark Rule 2.106(c).

Trademark Rule 2.114(c), made applicable to counterclaims by Trademark Rule 2.114(b)(2)(iii), provides that after an answer is filed, the counterclaim may not be withdrawn without prejudice except with written consent of opposer/registrant.¹

¹ The Board advised both parties in its order mailed on August 8, 2007 that written consent of each opposing party was required in

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Inasmuch as an answer was filed in connection with applicant's counterclaim and applicant has withdrawn its counterclaim without the written consent of opposer/registrant, the counterclaim is dismissed *with prejudice*.

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

order to withdraw the opposition and the counterclaim without prejudice (see fn. 3 therein).