

ESTTA Tracking number: **ESTTA174791**

Filing date: **11/14/2007**

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

Proceeding	91169059
Party	Defendant Lappert's Ice Cream, Inc.
Correspondence Address	SUSAN G. O'NEILL HANSON, BRIDGETT, MARCUS, VLAHOS & RUDY 425 MARKET STREET, 26th FLOOR SAN FRANCISCO, CA 94105 UNITED STATES soneill@hansonbridgett.com
Submission	Other Motions/Papers
Filer's Name	Garner K. Weng
Filer's e-mail	ipfilings@hansonbridgett.com, gweng@hansonbridgett.com, mdougherty@hansonbridgett.com
Signature	/Garner K. Weng/
Date	11/14/2007
Attachments	KAUAI PIE Serial No 76624588 express abd.pdf (3 pages)(93973 bytes)

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

In the Matter of Trademark Application No. 76/624,588
Trademark: KAUAI PIE
Published in the Official Gazette on 1/4/06

LAPPERT'S, INC.

Opposer,

v.

LAPPERT'S ICE CREAM, INC.

Applicant

)
) EXPRESS ABANDONMENT OF
) APPLICATION SERIAL NO. 76/624,588 BY
) APPLICANT LAPPERT'S ICE CREAM, INC.,
) WITH WRITTEN CONSENT OF OPPOSER
) LAPPERT'S INC.
)
)
) Opposition No. 91,169,059

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P. O. Box 1451
Alexandria, VA 22313-1415

CONSENTED EXPRESS ABANDONMENT OF SERIAL NO. 76/624,588

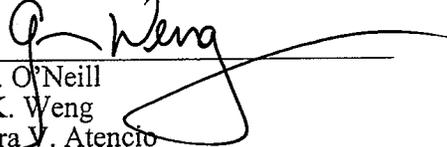
Pursuant to 37 CFR §§ 2.68 and 2.135, Applicant Lappert's Ice Cream, Inc. hereby requests that Serial No. 76/624,588 for KAUAI PIE be expressly abandoned. Opposer, Lappert's Inc., has provided its written consent below. This request for express abandonment is being filed with the Trademark Trial and Appeal Board under TBMP § 602.01.

Applicant respectfully requests that both its express abandonment of Serial No. 76/624,588 and Opposer Lappert's Inc.'s written consent thereto be made a part of the official record in pending Opposition No. 91,169,059 and in the official records of the U.S. Patent and

Trademark Office for Serial No. 76/624,588.

Dated: ~~October~~ ^{Nov. 14} __, 2007

Respectfully submitted,

By: 

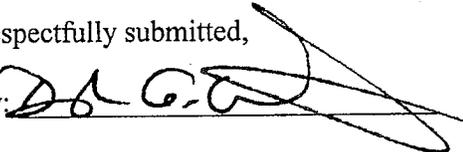
Susan G. O'Neill
Garner K. Weng
Alexandra V. Atencio
HANSON, BRIDGETT, MARCUS, VLAHOS & RUDY, LLP
Attorneys for Applicant LAPPERT'S ICE CREAM, INC.
425 Market Street, 26th Floor
San Francisco, CA 94105
Tel: (415) 995-5870
Fax: (415) 541-9366
e-mail: gweng@hansonbridgett.com

OPPOSER'S WRITTEN CONSENT TO EXPRESS ABANDONMENT

In accordance with §§ 218 and 602.01 of the Trademark Trial and Appeal Board Manual of Procedure, Lappert's Inc. hereby provides its written consent to the express abandonment of pending Serial No. 76/624,588 for the word mark KAUAI PIE. in Class 30 owned by Lappert's Ice Cream, Inc.

Dated: ~~October~~ ^{Nov. 13} __, 2007

Respectfully submitted,

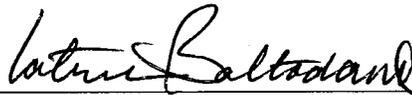
By: 

Douglas A. Winthrop
Karen S. Frank
Shaudy Danaye-Elmi
HOWARD RICE NEMEROVSKI CANADY FALK &
RABKIN
A Professional Corporation
Attorneys for Opposer LAPPERT'S, INC.
Three Embarcadero Center, Seventh Floor
San Francisco, CA 94111-4024
Tel: 415.434.1600
Fax: 415.217.5910
e-mail: dwinthrop@howardrice.com

Certificate of Service

I hereby certify that a true copy of the foregoing EXPRESS ABANDONMENT OF SERIAL NO. 76/624,588 WITH THE WRITTEN CONSENT OF OPPOSER LAPPERT'S INC., was served on Opposer LAPPERT'S, INC., by First Class Mail, postage prepaid, this 14th day of November, 2007 to Opposer's attorneys:

Douglas A. Winthrop
HOWARD RICE NEMEROVSKI CANADY FALK & RABKIN
A Professional Corporation
Attorneys for LAPPERT'S, INC.
Three Embarcadero Center, Seventh Floor
San Francisco, CA 94111-4024



Latricia Baltodano, Assistant to
Garner K. Weng, Esq.
Attorneys for Applicant
LAPPERT'S ICE CREAM, INC.

Hanson Bridgett, Marcus, Vlahos & Rudy, LLP
425 Market Street, 26th Floor
San Francisco, CA 94105