

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

JST

Mailed: July 12, 2006

Opposition No. 91169225

Cars Jeans & Casuals B.V.

v.

Getty Petroleum Marketing
Inc.

On June 29, 2006, opposer filed a motion to dismiss the opposition pursuant to Fed. R. Civ. P. 41(a)(2) and 37 C.F.R. § 2.127. A reading of the motion reveals that it is, in fact, a motion to withdraw the notice of opposition without prejudice. It is noted that the withdrawal is without the written consent of applicant.

Opposer should note that "[e]xcept as otherwise provided, and wherever applicable and appropriate, procedure and practice in inter partes proceedings shall be governed by the Federal Rules of Civil Procedure." Trademark Rule 2.116. In this instance Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant.

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In view thereof, and because the withdrawal was filed after answer, the opposition is dismissed with prejudice.¹

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

¹Consequently, all outstanding matters are moot.