

ESTTA Tracking number: **ESTTA172413**

Filing date: **11/01/2007**

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

| | |
|---------------------------|--|
| Proceeding | 91176691 |
| Party | Defendant Martha Stewart Living Omnimedia, Inc. |
| Correspondence Address | Alexandra Nicholson, Esq. DAVIS WRIGHT TREMAINE LLP 1633 Broadway New York, NY 10019 UNITED STATES deirdredavis@dwt.com |
| Submission | Other Motions/Papers |
| Filer's Name | Edward J. Davis |
| Filer's e-mail | deirdredavis@dwt.com |
| Signature | /Edward J. Davis/ |
| Date | 11/01/2007 |
| Attachments | oppositiontip.PDF (3 pages)(63927 bytes) |

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

KATONAH VILLAGE IMPROVEMENT SOCIETY,)

Opposer)

v.)

MARTHA STEWART LIVING OMNIMEDIA, INC.,)

Applicant)

Opposition No. 91176691

Ser. Nos. 78/125061,
78/727068, 78/727049,
78/727052

KATONAH ARCHITECTURAL HARDWARE LTD.,)

Opposer)

v.)

MARTHA STEWART LIVING OMNIMEDIA, INC.,)

Applicant)

Opposition No. 91176705

Ser. Nos. 78/125061,
78/727068, 78/727049,
78/727052

Mark: KATONAH

KATONAH PAINT AND HARDWARE INC.,)

Opposer)

v.)

MARTHA STEWART LIVING OMNIMEDIA, INC.,)

Applicant)

Opposition No. 91176706

Ser. No. 78/727049

Mark: KATONAH

**STIPULATED MOTION TO AMEND APPLICATION, WITHDRAW
APPLICATIONS AND WITHDRAW OPPOSITION**

The parties to the above-captioned actions have settled the claims existing between them and stipulate to the following:

1. Opposers Katonah Village Improvement Society, Katonah Architectural Hardware, Ltd., and Katonah Paint and Hardware, Inc. (collectively, “Opposers”) withdraw Opposition Nos. 91176691, 91176705, and 91176706 with prejudice and with the written consent of Applicant Martha Stewart Living Omnimedia, LLP (“Applicant”).
2. Applicant, with Opposers’ written consent, requests that the Trademark Trial and Appeal Board amend the identification of the goods in Application Serial No. 78/727061, currently covering “[f]urniture, mirrors, pillows, chairpads, window blinds, window shades, curtain rods, curtain rings, decorative curtain hardware, namely, finials and closet organizer kits comprised of shelves, ties, shoe, and belt racks, hooks and brackets”. The parties agree that “window blinds, window shades, curtain rods, curtain rings, decorative curtain hardware, namely, finials and closet organizer kits comprised of shelves, ties, shoe, and belt racks, hooks and brackets” should be deleted from the application. Accordingly, the application, as amended, will cover “[f]urniture, mirrors, pillows and chairpads.”
3. Applicant hereby withdraws Application Serial Nos. 78/727068, 78/727049, and 78/727052 with prejudice and with the written consent of Opposers.

Respectfully submitted,

Dated: October 31, 2007

By:



Michael J. Brown, Esq.

Curtis, Mallet-Prevost, Colt & Mosle LLP

Attorneys for Opposers

101 Park Avenue

New York, New York 10178-0061

(212) 696-6000

Dated: October 31, 2007

By:



Edward J. Davis, Esq.

Davis Wright Tremaine LLP

Attorneys for Applicant

1633 Broadway

New York, NY 10019

(212) 489-8320