

ESTTA Tracking number: **ESTTA273237**

Filing date: **03/19/2009**

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

Proceeding	91184963
Party	Plaintiff Toto U.S.A., Inc.
Correspondence Address	Richard H. Zaitlen, Esq. Pillsbury Winthrop Shaw Pittman 725 S. Figueroa Street, Suite 2800 Los Angeles, CA 90017 UNITED STATES jennifer.so@pillsburylaw.com, la-tmdocketing@pillsburylaw.com
Submission	Withdrawal of Opposition
Filer's Name	Jennifer T. So
Filer's e-mail	jennifer.so@pillsburylaw.com, la-tmdocketing@pillsburylaw.com
Signature	/js/83847-0000033/
Date	03/19/2009
Attachments	ECO HET WITHDRAWAL.PDF (2 pages)(36751 bytes)

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

In the Matter of Application No. 76/677,227
for the mark ECO HET in International Class 011;
Published for Opposition in the Official Gazette of
April 8, 2008.

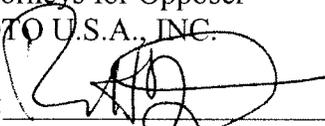
TOTO U.S.A., INC.)	
)	Opposition No. 91184963
Opposer,)	
)	
vs.)	STIPULATION OF DISMISSAL
)	(WITHDRAWAL OF OPPOSITION)
NIAGARA CONSERVATION CORPORATION)	
)	
Applicant.)	

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Arlington, Virginia 22313-1451

Having reached a settlement agreement, it is stipulated and agreed by and between the parties that Opposer, Toto U.S.A., Inc., hereby expressly withdraws its Notice of Opposition against Application Serial No. 76/677,227 with prejudice.

Respectfully submitted,
Attorneys for Opposer
TOTO U.S.A., INC.

Dated: March 19, 2009

By: 
Richard H. Zaitlen, Esq.
Jennifer T. So, Esq.
PILLSBURY WINTHROP SHAW PITTMAN LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017
Tel: (213) 488-7100
Fax: (213) 629-1033
E-mail: richard.zaitlen@pillsburylaw.com
jennifer.so@pillsburylaw.com

CERTIFICATE OF SERVICE

I, Jennifer T. So, hereby certify that the foregoing STIPULATION OF DISMISSAL (WITHDRAWAL OF OPPOSITION) was served on the person(s) listed below by first class mail, postage prepaid, in an envelope addressed as follows:

Joseph Sutton, Esq.
Ezra Sutton & Associates P.A.
900 US Highway 9 N
Woodbridge, NJ 07095-1025

Date: March 19, 2009

By:  _____
Jennifer T. So