

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

WINTER

Mailed: April 4, 2011

Opposition No. 91193133

Piggyback Interactive
Limited

77/525,392

v.

Graeme C. Revell and
Ashley M. Revell

On October 11, 2010,¹ opposer filed a withdrawal of the opposition with prejudice. In view thereof, the opposition is dismissed with prejudice.

On October 15, 2010, applicant withdrew its counterclaim without prejudice. Trademark Rule 2.114(c), made applicable to counterclaims by Trademark Rule 2.114(b)(2)(iii), provides that after an answer is filed, a counterclaim may not be withdrawn without prejudice except with written consent of the registrant.² Inasmuch as opposer (counterclaim defendant or registrant) filed an answer in connection with applicant's

¹ The delay in acting upon this matter is regretted.

² Inasmuch as both parties, by their communications to the Board subsequent to the filing of the subject withdrawals, acknowledge that when a withdrawal is submitted after an answer is filed without the written consent of the adverse party, that the proceeding will be dismissed with prejudice, the Board does not find that the parties' communications constitute briefing for a contested motion.



04-28-2011

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counterclaim and applicant (counterclaim plaintiff) has withdrawn its counterclaim without the written consent of opposer (counterclaim defendant or registrant), the counterclaim is dismissed *with prejudice*. Accordingly, the involved application will proceed forward for issuance of a notice of allowance.

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

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