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TRADEMARKS
146004-0009

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

Resident Artist Studio, LLC, Opposer, v. ABiSee, Inc., Applicant.	In re App. Ser. No. 77947865 Mark: EYE-PAL Filing Date: March 1, 2010 Publ'n Date: July 20, 2010 Opposition No.: 91196503

OPPOSER'S MOTION TO WITHDRAW OPPOSITION

Opposer, Resident Artist Studio, LLC ("RAS"), by its undersigned counsel, hereby moves to withdraw the above captioned Opposition.

On February 18, 2011 A Settlement Agreement was executed by Opposer Resident Artist Studio, LLC and ABiSee, Applicant, settling the above captioned matter.

On February 24, 2011 a Stipulation was filed in United States District Court for the District of Massachusetts Civil Action No. 10-CV-10268DPW, Moving for a stipulated dismissal of the Civil Action. A copy of the filed Stipulation is attached hereto as Exhibit 1. A copy of a NOTICE OF ELECTRONIC FILING issued by the United States District Court of the District of Massachusetts that the Civil Case was terminated on 02/24/2011 is attached hereto as Exhibit 2.

02-25-2011

U.S. Patent & TMOfc/TM Mail Rcpt Dt #72

In accordance with the above mentioned Settlement Agreement, Opposer agreed to withdraw the above captioned Opposition.

RELIEF REQUESTED

Resident Artist Studio, LLC respectfully prays that this Board Withdraw the above captioned Opposition, and that the opposed Application for Trademark Registration filed by ABiSee be permitted to proceed to registration.

Dated: February 25, 2011

RESIDENT ARTIST STUDIO, LLC

By: A. Sidney Johnston

A. Sidney Johnston
Thomas C. O'Konski
Kevin Gannon
CESARI and MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210
(617) 951-2500

CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading was served U.S. Post Office Express Mail in the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, by e-mail to the e-mail address tcd@dcglaw.com and by first-class mail postage prepaid on February 25, 2011 to:

T. Christopher Donnelly
DONNELLY, CONROY & GELHAAR, LLP
One Beacon Street – 33rd Floor
Boston, Massachusetts 02108

A. Sidney Johnston

A. Sidney Johnston

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RESIDENT ARTIST STUDIO, LLC, Plaintiff, v. ABISEE, INC., Defendant.	No. 10-cv-10268 (DPW)
ABISEE, INC. Counterclaim Plaintiff, v. RESIDENT ARTIST STUDIO, LLC, Counterclaim Defendant.	

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(A)(ii), the parties in the above-captioned matter hereby stipulate and agree that this action, including any and all claims and counterclaims raised or that could have been raised, is hereby dismissed with prejudice. Each party shall bear its own costs and fees.

EXHIBT 1 P 1/3

ABISEE, INC.
By its attorneys,

/s/ T. Christopher Donnelly
T. Christopher Donnelly (BBO #129930)
Jeffrey M. Ernst (BBO #658831)
DONNELLY, CONROY & GELHAAR, LLP
One Beacon Street, 33rd Floor
Boston, Massachusetts 02108
(617) 720-2880

RESIDENT ARTIST STUDIO, LLC
By its attorneys,

/s/ Thomas C. O'Konski (BBO #378265)
A. Sidney Johnston (BBO #632578)
Thomas C. O'Konski (BBO #378265)
Kevin Gannon (BBO #640931)
CESARI and MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210
(617) 951-2500

Dated: February 25, 2011

EXHIBIT 1 P2/3

Other Documents

1:10-cv-10268-DPW Resident Artist Studio, LLC v. ABiSee, Inc.
TRADE

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered by O'Konski, Thomas on 2/23/2011 at 4:30 PM EST and filed on 2/23/2011

Case Name: Resident Artist Studio, LLC v. ABiSee, Inc.
Case Number: 1:10-cv-10268-DPW
Filer: Resident Artist Studio, LLC
Document Number: 28

Docket Text:
STIPULATION of Dismissal by Resident Artist Studio, LLC. (O'Konski, Thomas)

1:10-cv-10268-DPW Notice has been electronically mailed to:

Jeffrey M. Ernst jme@dcglaw.com

Kevin Gannon ktg@c-m.com

T. Christopher Donnelly tcd@dcglaw.com, jlf@dcglaw.com

Thomas C. O'Konski TOK@c-m.com

1:10-cv-10268-DPW Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:yes
Electronic document Stamp:
[STAMP dcecfStamp_ID=1029851931 [Date=2/23/2011] [FileNumber=3747048-0] [8987127eeed02088ec1d974415752075f11f51562d1b61efffc8a967cc7a088bfd5 f41d296b7634790978d8f3c83679748e8a3ffb9a4540a025538f8beb1e003]]

EXHIBIT 1 P 3/3

Other Documents

1:10-cv-10268-DPW Resident Artist Studio, LLC v. ABiSee, Inc. **CASE CLOSED on 02/24/2011**
CLOSED, TRADE

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered by O'Konski, Thomas on 2/24/2011 at 10:17 AM EST and filed on 2/24/2011
Case Name: Resident Artist Studio, LLC v. ABiSee, Inc.
Case Number: 1:10-cv-10268-DPW
Filer: Resident Artist Studio, LLC
WARNING: CASE CLOSED on 02/24/2011
Document Number: 29

Docket Text:
CERTIFICATE OF SERVICE pursuant to LR 5.2 by Resident Artist Studio, LLC re [28] Stipulation of Dismissal. (O'Konski, Thomas)

1:10-cv-10268-DPW Notice has been electronically mailed to:

Jeffrey M. Ernst jme@dcglaw.com

Kevin Gannon ktg@c-m.com

T. Christopher Donnelly tcd@dcglaw.com, jlf@dcglaw.com

Thomas C. O'Konski TOK@c-m.com

1:10-cv-10268-DPW Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:yes
Electronic document Stamp:
[STAMP dcecfStamp_ID=1029851931 [Date=2/24/2011] [FileNumber=3747753-0] [5d5ccb66ed5e250bd3bc6267b2c83693cf19d0d03d455b706e63bb50c4eb1919ba6 e55f0a0a09d61e9777b7a8bed5e1ed3ab40fa4ea3a047aeaeed3e2232abc9]]

EXHIBIT 2

PATENTS
146004-0009

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

Resident Artist Studio, LLC, Opposer	In Re Opposition No. 91196503
v.	Serial No.: 77947865
ABiSee, Inc., Applicant	Filed: March 1, 2010
	Mark: EYE-PAL

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
February 25, 2011

EXPRESS-MAIL DEPOSIT

Express Mail Mailing-Label Number: EV 606177736 US

The following papers are being deposited with the United States Postal Service"Express Mail Post Office to Addressee" service pursuant to 37 C.F.R. §1.10:

_X_Opposer's Motion to Withdraw Opposition (3 pages)
_X_Exhibit 1 – Stipulation of Dismissal with Prejudice (3 pages)
_X_Exhibit 2 – Court Notice (1 page)
_X_Return Receipt Postcard