

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

Mailed: December 2, 2011

Opposition No. 91197758

American Council on Exercise

v.

ASICS Corporation

Janice D. Hyman, Paralegal Specialist:

On November 9, 2011, the Board approved the amendment to applicant's identification of goods in application Serial No. 85035659, and allowed opposer time in which to file a withdrawal of the opposition.

On November 19, 2011, opposer filed a withdrawal of the opposition without prejudice with an allegation of applicant's "consent" per a settlement agreement executed by the parties.¹

¹ Opposer's filing does not indicate proof of service on applicant as required by Trademark Rule 2.119. In order to expedite this matter, applicant is directed to the following URL where it may view a copy of the filing:
<http://ttabvue.uspto.gov/ttabvue/v?pno=91197758&pty=OPP&eno=15>

Opposition No. 91197758

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the **written** consent of applicant.

In view thereof, opposer is allowed thirty days from the mailing date of this order in which to submit

applicant's written consent to the withdrawal, failing which the opposition will be dismissed with prejudice.