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

Proceeding	91200488
Party	Plaintiff Color Image Apparel, Inc.
Correspondence Address	LINDSAY J HULLEY Rutan & Tucker, LLP 611 Anton Boulevard Suite 1400 Costa Mesa, CA 92626 UNITED STATES trademarks@rutan.com
Submission	Withdrawal of Opposition
Filer's Name	Lindsay J. Hulley
Filer's e-mail	trademarks@rutan.com, lhulley@rutan.com
Signature	/Lindsay J. Hulley/
Date	05/15/2013
Attachments	Consented Express Abandonment and Withdrawal of opposition 85166228 91200488.pdf(68039 bytes)

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

In the Matter of Trademark Application No.: 85/166,228
For the Trademark: BELLA BIRD

Color Image Apparel, Inc.,

Opposer,

v.

DownEast Outfitters, Inc.,

Applicant.

Opposition No. 91200488

**NOTICE OF CONSENTED EXPRESS ABANDONMENT OF APPLICATION
WITH PREJUDICE AND CONSENTED WITHDRAWAL OF OPPOSITION WITH
PREJUDICE**

In accordance with 37 C.F.R. § 2.135 and TBMP § 602.01, Applicant DownEast Outfitters, Inc. (“Applicant”), through its attorneys identified below, hereby expressly abandons Application Serial No. 85/166,228, with Opposer Color Image Apparel, Inc.’s (“Opposer”) written consent.

Upon confirmation that Application Serial No. 85/166,228 has been abandoned, Opposer requests that its Notice of Opposition No. 91200488 be withdrawn with prejudice and Applicant requests that its Counterclaim be withdrawn with prejudice. Applicant and Opposer have provided their written consents thereto.

Respectfully submitted,

Dated: May 15, 2013

/Lindsay J. Hulley/
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Attorneys for Opposer,
COLOR IMAGE APPAREL, INC.

Dated: May 15, 2013

/Casey W. Jones/
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DOWNEAST OUTFITTERS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is one of the attorneys for Opposer Color Image Apparel, Inc., in the above-captioned Opposition proceeding and that on the date which appears below, she caused a copy of the foregoing **NOTICE OF CONSENTED EXPRESS ABANDONMENT OF APPLICATION WITH PREJUDICE AND CONSENTED WITHDRAWAL OF OPPOSITION WITH PREJUDICE** to be served on the following by email service, per agreement between the parties:

Counsel for Applicant:

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Dated: May 15, 2013
Costa Mesa, California

/Lindsay J. Hulley/
Lindsay J. Hulley