

ESTTA Tracking number: **ESTTA494441**

Filing date: **09/13/2012**

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

Proceeding	91202732
Party	Plaintiff EcoWater Systems LLC
Correspondence Address	PETER T HOLSEN ANDRUS SCEALES STARKE & SAWALL LLP 100 E WISCONSIN AVE, STE 1100 MILWAUKEE, WI 53202 UNITED STATES peterh@andruslaw.com, aarono@andruslaw.com, mariem@andruslaw.com, melissag@andruslaw.com
Submission	Other Motions/Papers
Filer's Name	Aaron T. Olejniczak
Filer's e-mail	aarono@andruslaw.com, peterh@andruslaw.com, melissag@andruslaw.com, mariem@andruslaw.com
Signature	/Aaron T. Olejniczak/
Date	09/13/2012
Attachments	2012-09-13 Joint Withdrawal.pdf (3 pages)(95299 bytes)

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

ECOWATER SYSTEMS, LLC,)
)
Opposer)
) Opposition No.: 91202732
v.) Serial No.: 85/094,582
) Mark: ECOLAB
ECOLAB USA, INC.,)
)
Applicant/Counterclaimant)

JOINT WITHDRAWAL OF OPPOSITION AND CANCELLATION CLAIMS

Opposer, EcoWater Systems, LLC hereby voluntarily withdraws its Notice of Opposition No. 91202732 and all opposition claims therein without prejudice. Applicant Ecolab USA, Inc. consents to the opposition withdrawal without prejudice.

Petitioner Ecolab USA, Inc. hereby voluntarily withdraws its Petition to Cancel Registration Nos. 3268985, 1710954, 1585509, 1771108, 1771860, 1613312, and 2279118 as set forth in its Answer and Counterclaims dated August 6, 2012 and all cancellation claims present in Opposition No. 91202732 without prejudice. Respondent, EcoWater Systems, LLC consents to the cancellation withdrawal without prejudice.

Dated this 13th day of September, 2012.

Respectfully submitted,

/ Laura L. Myers/
Dean R. Karau
Lora M. Friedemann
Laura L. Myers
FREDRIKSON & BYRON, P.A.
200 South 6th Street, Suite 4000
Minneapolis, MN 55402-1425
Telephone: 612-492-7178/7085/7295
Fax: 612-492-7077
Email: ip@fredlaw.com

/Aaron T. Olejniczak/
Aaron T. Olejniczak
Peter T. Holsen
ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202
Telephone: 414-271-7590
Fax: 414-271-5770
Email: aaron@andruslaw.com
peterh@andruslaw.com

dkarau@fredlaw.com
lfriedemann@fredlaw.com
lmyers@fredlaw.com

*Attorneys for Applicant/Counterclaimant
Ecolab USA, Inc.*

*Attorneys for Opposer, EcoWater Systems,
LLC*

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that the foregoing document was filed electronically with the Trademark Trial & Appeal Board and that a copy was served on Applicant on September 13, 2012, via U.S. First Class Mail, in an envelope addressed as follows:

Dean R. Karau
Lora M. Friedemann
Laura L. Myers
FREDRIKSON & BYRON, P.A.
200 South 6th Street, Suite 4000
Minneapolis, MN 55402-1425

/Marie Mikolainis/
Marie Mikolainis, Paralegal
Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202
Telephone: 414-271-7590