

ESTTA Tracking number: **ESTTA525936**

Filing date: **03/11/2013**

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

Proceeding	91204057
Party	Plaintiff Activision Publishing, Inc.
Correspondence Address	MICHAEL CULVER MILLEN WHITE ZELANO & BRANIGAN PC 2200 CLARENDON BLVD SUITE 1400 ARLINGTON, VA 22201 UNITED STATES Culver@mwzb.com, major@mwzb.com,
Submission	Withdrawal of Opposition
Filer's Name	Michael Culver
Filer's e-mail	culver@mwzb.com
Signature	/michaelculver/
Date	03/11/2013
Attachments	ACITIVISION Corrective Filing-3.doc.pdf (2 pages)(21397 bytes)

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

In the matter of Trademark Application

Serial No.: 85/145554
Filed: January 20, 2011
By: Kabam, Inc.
Published: August 30, 2011
For the Trademark: GLOBAL WARFARE
International Class: 041

Activision Publishing, Inc.,

Opposer,

v.

Kabam, Inc.,

Applicant.

Opposition No. 91204057

**OPPOSER'S STATEMENT REGARDING DISMISSAL OF OPPOSITION AND
STIPULATION TO DISMISS WITH PREJUDICE**

On February 22, 2013, the Board entered judgment against Applicant following the withdrawal of Applicant's Application, which is the subject of this opposition. Applicant and Opposer entered into a settlement agreement effective January 29, 2013 in which the parties agreed that Applicant shall abandon its Application to register the mark GLOBAL WARFARE, Serial No. 85/145554, and Opposer shall dismiss this Opposition with prejudice. Due to mail delays, Opposer's counsel did not receive notice of Applicant's express abandonment of the subject application until the day before the Board's order was entered. Accordingly, the Board entered judgment against Applicant.

Applicant and Opposer, through their respective counsel, stipulate to dismissal of the Opposition with prejudice and abandonment of Serial No. 85/145554 with prejudice. The parties respectfully request the Board vacate its order dated February 22, 2013 and instead enter an order dismissing the opposition with prejudice.

Date: March 11, 2013

Millen White Zelano & Branigan PC

/michaelculver/

Attorneys for Opposer

Michael Culver

Cobalt LLP

/Shabnam Malek/

Attorneys for Applicant

Tsan Abrahamson, Esq.

Shabnam Malek, Esq.