

ESTTA Tracking number: **ESTTA618633**

Filing date: **07/30/2014**

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

Proceeding	91207789
Party	Defendant Funzio, Inc.
Correspondence Address	EUGENE M PAK WENDEL ROSEN BLACK & DEAN LLP 1111 BROADWAY, 24TH FLOOR OAKLAND, CA 94607 UNITED STATES epak@wendel.com,tmdocket@wendel.com
Submission	Withdrawal Of Application
Filer's Name	EUGENE M. PAK
Filer's e-mail	tmdocket@wendel.com
Signature	/s/ Eugene M. Pak
Date	07/30/2014
Attachments	85424172 MODERN WAR.pdf(55202 bytes )

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

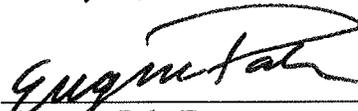
ACTIVISION PUBLISHING, INC.	)	
	)	Opposition No. 91207789
Opposer,	)	
	)	Serial No. 85424172 (MODERN WAR)
v.	)	
	)	
FUNZIO, INC.,	)	
	)	
Applicant.	)	
	)	

**CONSENTED WITHDRAWAL OF APPLICATION**

Applicant Funzio, Inc. ("Applicant") hereby expressly abandons its application for the mark MODERN WAR (Serial No. 85424172), with the consent of the Opposer Activision Publishing, Inc.

Dated: July 28, 2014

Dated: July 29, 2014

By:   
Eugene Pak, Esq.

By: 

Wendel Rosen Black & Dean LLP  
1111 Broadway, 24<sup>th</sup> Floor  
Oakland, CA 94607

Mitchell Silberberg & Knupp, LLC  
11377 West Olympic Boulevard  
Los Angeles, CA 90064

*Attorneys for Applicant  
Funzio, Inc.*

*Attorneys for Opposer  
Activision Publishing, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing CONSENTED  
WITHDRAWAL OF APPLICATION has been served on Opposer Activision Publishing, Inc.  
by mailing said copy on July 30, 2014 via First Class Mail, postage prepaid to:

Marc Mayer, Esq.  
Alexa Lewis, Esq.  
Mitchell Silberberg & Knupp, LLC  
11377 West Olympic Boulevard  
Los Angeles, CA 90064  
E-mail: [mem@msk.com](mailto:mem@msk.com), [all@msk.com](mailto:all@msk.com)

  
Carol A. Bagshawe