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

Proceeding	91208348
Party	Plaintiff Fifty-Six Hope Road Music Limited
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Date	12/10/2012
Attachments	Oppn No 91208348 - MIKE & MARLEY - Withdrawal of Application.pdf ( 2 pages ) (77033 bytes )

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

<p><i>In re Matter of Application No. 85/548,294 for the mark: <b>MIKE &amp; MARLEY</b></i></p> <p>Fifty-Six Hope Road Music Limited,</p> <p>Opposer,</p> <p>v.</p> <p>Smith, Michael F. DBA Mike &amp; Marley</p> <p>Applicant.</p>	<p>Opposition No. 91208348</p> <p><b>OPPOSER FIFTY-SIX HOPE ROAD MUSIC LIMITED'S STATEMENT RE: APPLICANT MICHAEL F. SMITH'S WITHDRAWAL OF APPLICATION</b></p>
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Commissioner for Trademarks  
ATTN: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Dear Commissioner:

Opposer Fifty-Six Hope Road Music Limited ("Opposer") notes that on December 10, 2012 (erroneously dated December 10, 2013), Applicant Michael F. Smith ("Applicant") filed a withdrawal of his application to register MIKE & MARLEY, U.S. Application Serial No. 85/548,294, and stated that such withdrawal was made with consent. *See* Docket No. 4.

Opposer notes for the record that the withdrawal has not been filed with Opposer's consent; in fact, no such consent was sought by Applicant of Opposer to Opposer's knowledge. Accordingly, and pursuant to 37 C.F.R. § 2.135, judgment should be entered against Applicant.

Respectfully submitted,

Dated: December 10, 2012

/s/Paul A. Bost  
Jill M. Pietrini  
Paul A. Bost  
SHEPPARD MULLIN RICHTER & HAMPTON LLP  
1901 Avenue of the Stars, Suite 1600  
Los Angeles, California 90067-6017  
(310) 228-3700

*Attorneys for Opposer  
Fifty-Six Hope Road Music Limited*

**CERTIFICATE OF SERVICE**

I hereby certify that this Statement is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to:

Michael F. Smith, DBA Mike & Marley  
3575 Martha Custis Drive  
Alexandria, Virginia 22302

on this 10th day of December, 2012.

/s/Robert Walsh  
Robert Walsh

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this Statement is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 10th day of December, 2012.

/s/Robert Walsh  
Robert Walsh

SMRH:407675387.1