

ESTTA Tracking number: **ESTTA608132**

Filing date: **06/04/2014**

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

|                        |                                                                                                                                                                                                                               |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeding             | 91213772                                                                                                                                                                                                                      |
| Party                  | Plaintiff<br>Whole Foods Market IP, L.P.                                                                                                                                                                                      |
| Correspondence Address | Jered E. Matthyse<br>Pirkey Barber PLLC<br>600 Congress Avenue Suite 2120<br>Austin, TX 78701<br>UNITED STATES<br>jmatthyse@pirkeybarber.com, cgraff@pirkeybarber.com,<br>drausa@pirkeybarber.com, tmcentral@pirkeybarber.com |
| Submission             | Withdrawal of Opposition                                                                                                                                                                                                      |
| Filer's Name           | Jered E. Matthyse                                                                                                                                                                                                             |
| Filer's e-mail         | jmatthyse@pirkeybarber.com, cgraff@pirkeybarber.com,<br>drausa@pirkeybarber.com, tmcentral@pirkeybarber.com                                                                                                                   |
| Signature              | /JEM/                                                                                                                                                                                                                         |
| Date                   | 06/04/2014                                                                                                                                                                                                                    |
| Attachments            | Withdrawal of 91213772 (WFMV5579).pdf(477452 bytes )                                                                                                                                                                          |

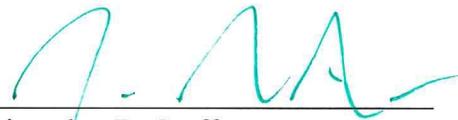
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|                              |   |                         |
|------------------------------|---|-------------------------|
| Whole Foods Market IP, L.P., | § |                         |
|                              | § |                         |
| Opposer,                     | § |                         |
|                              | § |                         |
| v.                           | § | Opposition No. 91213772 |
|                              | § |                         |
| BeautyBank, Inc.,            | § |                         |
|                              | § |                         |
| Applicant.                   | § |                         |

**WITHDRAWAL OF OPPOSITION WITH PREJUDICE**

Pursuant to TBMP § 605.03(a), and in accordance with the Settlement Agreement entered into between the parties, Opposer Whole Foods Market IP, L.P. hereby withdraws the above-captioned Opposition proceeding with prejudice.

Respectfully submitted,



Christopher L. Graff  
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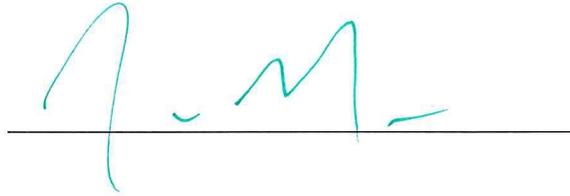
Date: June 4, 2014

ATTORNEYS FOR OPPOSER

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing WITHDRAWAL OF OPPOSITION WITH PREJUDICE was served via first-class mail, postage prepaid, on counsel of record for Applicant at the address below on June 4, 2014:

Jessica Heiss  
The Estee Lauder Companies Inc.  
767 5th Ave, Fl 37  
New York, NY 10153-0003

A handwritten signature in blue ink is written over a horizontal line. The signature appears to be 'J. M.' with a stylized flourish at the end.