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Filing date: **12/14/2015**

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

Proceeding	91224724
Party	Defendant Nu Mark LLC
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Date	12/14/2015
Attachments	Consented Notice of Withdrawal of U.S. Trademark Applications & Opposition.pdf(12285 bytes)

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

In the matter of Trademark Application Serial No. 86570857
Mark: REAL TASTE
Filing Date: March 20, 2015
Published for Opposition: August 4, 2015

In the matter of Trademark Application Serial Nos. 86634292 & 86634297
Mark: DISCOVER REAL TASTE
Filing Dates: May 19, 2015
Published for Opposition: October 6, 2015

In the matter of Trademark Application Serial Nos. 86634298 & 86634312
Mark: EXPERIENCE REAL TASTE
Filing Dates: May 19, 2015
Published for Opposition: October 6, 2015

TOP TOBACCO L.P.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91224724
)	
NU MARK LLC,)	
)	
Applicant.)	
)	

**CONSENTED NOTICE OF WITHDRAWAL OF U.S. TRADEMARK APPLICATION
SERIAL NOS. 86570857, 86634292, 86634297, 86634298, AND 86634312 WITHOUT
PREJUDICE AND OPPOSITION PROCEEDING NO. 91224724
WITHOUT PREJUDICE**

Pursuant to 37 C.F.R. § 2.135, Nu Mark LLC (“Applicant”), by and through the undersigned counsel, hereby withdraws without prejudice Applicant’s U.S. Trademark Application Serial No. 86570857 for the REAL TASTE Mark, Serial Nos. 86634292 & 86634297 for the DISCOVER REAL TASTE Marks, and Serial Nos. 86634298 & 86634312 for the EXPERIENCE REAL TASTE Marks (Serial Nos. 86570857, 86634292, 86634297,

86634298, and 86634312, collectively, the “Applications”). Applicant has secured the express written consent of Top Tobacco L.P. (“Opposer”), by and through the undersigned counsel, for the withdrawal without prejudice of the above-referenced Applications. *See* 37 C.F.R. § 2.135.

Pursuant to 37 C.F.R. § 2.106(c) and T.B.M.P. § 601.01, Opposer, by and through the undersigned counsel, hereby withdraws without prejudice Opposition Proceeding No. 91224724 against Applicant’s Applications. Opposer has secured the express written consent of Applicant, by and through the undersigned counsel, for the withdrawal without prejudice of the above-referenced Opposition Proceeding. *See* 37 C.F.R. § 2.106(c) and T.B.M.P. § 601.01.

Favorable consideration is respectfully requested.

Agreed and Consented To:

DLA PIPER LLP (US)

NEAL, GERBER & EISENBERG LLP

By: /s/ Ann K. Ford
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Attorneys for Applicant

Attorneys for Opposer

Date: December 14, 2015

Date: December 14, 2015

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **CONSENTED NOTICE OF WITHDRAWAL OF U.S. TRADEMARK APPLICATION SERIAL NOS. 86570857, 86634292, 86634297, 86634298, AND 86634312 WITHOUT PREJUDICE AND OPPOSITION PROCEEDING NO. 91224724 WITHOUT PREJUDICE** was served via U.S.

First Class mail, postage prepaid, and properly addressed to counsel of record:

Antony J. McShane
Andrew S. Fraker
Neal, Gerber & Eisenberg LLP
Two North LaSalle Street, Suite 1700
Chicago, Illinois 60602-3801

this 14th day of December, 2015.

/s/ Ann K. Ford

Ann K. Ford
Attorney for Applicant