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Filing date: **06/20/2013**

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

Proceeding	92057043
Party	Plaintiff Mr. Alexander B. Johns
Correspondence Address	PAUL E THOMAS FREDRIKSON & BYRON PA 200 SOUTH SIXTH STREET, SUITE 4000 MINNEAPOLIS, MN 55402 UNITED STATES pthomas@fredlaw.com
Submission	Withdrawal of Cancellation
Filer's Name	Paul E. Thomas
Filer's e-mail	pthomas@fredlaw.com
Signature	/Paul E. Thomas/
Date	06/20/2013
Attachments	Johns-WithdrawalPetPartialCancellation-ARETEASSOCIATES.pdf(125277 bytes)

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

In the Matter of

U.S. Reg. No.: 3985041

For the Mark: ARETÉ ASSOCIATES & Design

Registered: June 28, 2011

Alexander B. Johns,

Cancellation No. 92057043

Petitioner,

v.

Areté Enterprises, LLC,

Registrant.

WITHDRAWAL OF PETITION FOR PARTIAL CANCELLATION

Petitioner, Alexander B. Johns, and Registrant, Arété Enterprises, LLC, have, by mutual consent, executed an agreement under which Registrant is consenting to the federal registration of Petitioner's mark: see "Consent to Federal Trademark Registration" agreement of June 19, 2013, attached as *Exhibit A*.

Therefore, under TMEP § 601.02, Petitioner hereby withdraws the Petition for Partial Cancellation in Cancellation No. 92057043.

Although Registrant's Answer has not yet been filed in the instant case and, for that reason, Petitioner may withdraw the Petition without prejudice under TMEP § 601.02, Petitioner is withdrawing the Petition for Partial Cancellation with prejudice in accordance with the Consent to Federal Trademark Registration agreement of June 19, 2013, which Petitioner has executed with Registrant.



Date: June 20, 2013

Paul E. Thomas

Fredrikson & Byron, P.A.

200 South Sixth Street

Suite 4000

Minneapolis, Minnesota 55402

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Withdrawal of Petition for Partial Cancellation was served by first class mail on Registrant at the addresses listed below, on this 20th day of June, 2013:

Mr. David Gallagher
Areté Enterprises, LLC
321 North Oak Avenue
Clifton Heights, Pennsylvania 19018

_____/s/ Paul E. Thomas_____
Paul E. Thomas

Date: June 20, 2013

EXHIBIT A

**CONSENT TO FEDERAL TRADEMARK
REGISTRATION**

This Consent to Federal Trademark Registration Agreement ("Agreement") is executed this ~~19th~~ day of ~~JUNE~~ 2013 by and between Alexander B. Johns, an individual residing in Chicago, Illinois ("Johns"), and Areté Enterprises, LLC, doing business as Areté Associates LLC of 321 North Oak Avenue Clifton Heights, PA 19018 ("AE").

AE is the owner of the ARETÉ ASSOCIATES & Design trademark and service mark which AE uses in commerce in connection with "Business advisory services, consultancy and information"-



and which is the subject of U.S. Reg. No. 3985041 ("AE's Mark").

Johns is the owner of the ARETÉ STRATEGIES BIO-PHARMA ADVISORS & Design mark, which Johns intends to use in commerce in connection with "Business consulting services, namely, product and service commercialization services for pharmaceutical, biotechnology, diagnostic technology, medical device, vaccine production, and life sciences technology customers in the field of health care products and services" -



and which is the subject of U.S. App. Ser. No. 85619846 ("the Johns Logo").

Johns requests AE's consent to federal registration. Both parties acknowledge and agree that the likelihood of consumer confusion is minimal for the following reasons: (a) the Johns Logo is clearly distinguishable from AE's Mark; (b) the services identified by the marks differ; (c) the marks are used in different markets: AE uses its mark primarily but not exclusively in the information technology industry, and Johns uses the Johns Logo in the pharmaceutical, medical device, and life sciences technology industries; and (d) the

sophistication level of AE's and Johns' respective clients make it highly probable that they will be able to distinguish the differences between the two marks and therefore highly unlikely that they will be confused. Therefore, Johns and AE hereby agree as follows:

1. Johns hereby agrees to use the Johns Logo in connection with the services identified in U.S. App. Ser. No. 85619846 and not to use the Johns Logo in connection with services that compete with or are substantially similar to the services that AE identifies with AE's Mark.

2. Johns hereby agrees that on the launch date (yet to be determined) of the www.aretestrat.com website, Johns will post and maintain for a period of three years the following disclaimer statement: "Note to Pennsylvania residents: Areté Strategies has no affiliation with Areté Associates, LLC."

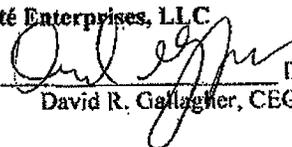
3. Johns and AE hereby agree to use reasonable business efforts to cooperate with each other in responding to any instances of actual consumer confusion which come to their attention and in minimizing the likelihood of consumer confusion in the future.

4. In exchange for Johns's promises delineated in this Agreement, AE hereby consents to the federal registration of the Johns Logo.

5. In exchange for AE's promises delineated in this Agreement, Johns hereby agrees to dismiss his petition for partial cancellation of AE's mark with prejudice (Cancellation No. 92057043).

Consented to and Agreed:

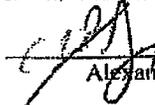
Areté Enterprises, LLC

By: 

David R. Gallagher, CEO

Date: 6/19/13

Alexander B. Johns:


Alexander B. Johns

Date: 6/19/13