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

In the matter of
Trademark Application Serial No. 74/410,846
Published: February 1, 1994
Mark: INTUITY

INTUIT INC.)
Opposer,)
v.)
AVAYA INC.)
(by assignment),)
Applicant.)

Opposition No. 94,134
WITHDRAWAL OF
NOTICE OF OPPOSITION

U.S. Patent & TMO/c/TM Mail Rcpt. Dt. #57
08-05-2002

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Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

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TRADEMARK TRIAL AND
APPEAL BOARD

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Trademark, 2900 Crystal Dr., Arlington, VA 22202-3513.
Phyllis O'Sullivan
(Type of Print Name of Person Mailing Paper or Fee)
Phyllis O'Sullivan
(Signature of Person Mailing Paper or Fee)

Pursuant to a Settlement and Coexistence Agreement reached by the parties, Opposer, Intuit Inc. hereby withdraws with prejudice its Notice of Opposition to registration of the mark identified by Application Serial No. 74/410,846. This Withdrawal of Notice of Opposition is being submitted in triplicate. A copy has been served on counsel for Applicant via first class mail pursuant to the Certificate of Service by Mail attached hereto.

Respectfully submitted,

Dated: August 5, 2002 By: [Signature]
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PROOF OF SERVICE BY MAIL

I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within cause; my business address is Two Palo Alto Square, Palo Alto, CA 94306. On the date set forth below, I served the following: **WITHDRAWAL OF NOTICE OF OPPOSITION** on the interested parties in this action by placing a copy thereof in a sealed envelope and placing the envelope for collection and mailing at the above address, following ordinary business practices, addressed as follows:

Joan T. Pinaire, Esq.
McCarter & English, LLP
Four Gateway Center
P.O. Box 652
Mulberry Street
Newark, NJ 07101-0652

I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the U.S. Postal Service. This correspondence would be deposited with the U.S. Postal Service this same day in the ordinary course of business. I declare under the penalties of perjury that the above is true and correct, and that this declaration was executed at Palo Alto, California this 5th day of August 2002.



Phyllis O'Sullivan