

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

SOCIETE DES PRODUITS NESTLE, S.A.)	
(by assignment from the Stouffer)	
Corporation),)	No. 04-1369
)	
Appellant,)	(Opposition No. 111,517)
)	
v.)	Appeal from the United States Patent
)	and Trademark Office, Trademark
APPLEBEE'S INTERNATIONAL, INC.,)	Trial and Appeal Board.
)	
Appellee.)	

NOTICE OF DISMISSAL WITH PREJUDICE

Appellant Societe des Produits Nestle, S.A. (by assignment from the Stouffer Corporation) hereby dismisses its appeal with prejudice.

Respectfully submitted,



David A. Roodman
K. Lee Marshall
BRYAN CAVE LLP
211 N. Broadway, Suite 3600
St. Louis, MO 63102
Telephone: (314) 259-2000
Facsimile: (314) 259-2020

ATTORNEYS FOR APPELLANT

CERTIFICATE OF FILING AND SERVICE

The undersigned hereby certifies that the foregoing Notice of Appeal with Prejudice was filed by facsimile transmission upon the Clerk at (202) 633-9623 and served upon counsel for Applebee's, J. David Wharton, Stinson Morrison Hecker LLP, at (816) 691-3495, pursuant to Federal Circuit Rule 25(a); and further that the original Motion was sent to the Clerk by Federal Express, and a copy was sent to General Counsel, United States Patent and Trademark Office, P.O. Box 15667, Arlington, VA 22215, to the Trademark Trial and Appeal Board of the United States Patent and Trademark Office, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, and also to counsel for Applebee's, at Stinson Morrison Hecker LLP, 1201 Walnut Street, Kansas City, Missouri 64106-2150, by First Class Mail on this 12th day of November 2004.

Debra R. Vergara



D.A. Roodman
Direct: (314) 259-2614
daroodman@bryancave.com

November 12, 2004

VIA FACSIMILE (202) 633 – 9623 AND FEDERAL EXPRESS

Mr. Jan Horbaly
Clerk of Court
U.S. Court of Appeals for the Federal Circuit
Howard T. Markey National Courts Bldg.
717 Madison Pl., N.W., Room 401
Washington, D.C. 20439

Re: Societe Des Produits Nestle, S.A. v. Applebee's International, Inc.
No. 04-1369, Opposition No. 111,517

75301628

Dear Mr. Horbaly:

Enclosed for filing in the above-referenced case are an original and four (4) copies of Nestle's Notice of Dismissal With Prejudice and service is being made in compliance with Federal Circuit Rule 25(a). Please file stamp and return one copy with the enclosed self-addressed, stamped envelope.

Thank you for your assistance with this matter.

Very truly yours,

David A. Roodman

DAR/dv

Enclosure

cc: General Counsel, United States Patent and Trademark Office
Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office
J. David Wharton, Esq.

Bryan Cave LLP
One Metropolitan Square
211 North Broadway
Suite 3600
St. Louis, MO 63102-2750
Tel (314) 259-2000
Fax (314) 259-2020
www.bryancave.com

Chicago
Hong Kong
Irvine
Jefferson City
Kansas City
Kuwait
Los Angeles
New York
Phoenix
Riyadh
Shanghai
St. Louis
United Arab Emirates (Dubai)
Washington, DC

And Bryan Cave,
A Multinational Partnership,
London



11-26-2004

U.S. Patent & TMOc/TM Mail RcptDt. #64