

DEC 10 2004

U.S. PATENT & TRADEMARK OFFICE

NOTE: Pursuant to Fed. Cir. R. 47.6, this order is not citable as precedent. It is a public order.

# United States Court of Appeals for the Federal Circuit

04-1369  
(Opposition No. 111,517)

SOCIETE DES PRODUITS NESTLE, S.A.  
(by assignment from the Stouffer Corporation),

Appellant,

v.

APPLEBEE'S INTERNATIONAL, INC.,

Appellee.

ON MOTION

ORDER

Societe des Produits Nestle, S.A. moves for without opposition to voluntarily dismiss its appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion to voluntarily dismiss is granted.
- (2) All pending motions are moot.
- (3) Each side shall bear its own costs.

FOR THE COURT

DEC - 8 2004

\_\_\_\_\_  
Date

*Jan Horbaly* *ExH*

\_\_\_\_\_  
Jan Horbaly  
Clerk

cc: Kenneth Lee Marshall, Esq.  
J. David Wharton, Esq.

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**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

DEC - 8 2004

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ISSUED AS A MANDATE: \_\_\_\_\_

**JAN HORBALY**  
**CLERK**