

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

-----X  
 ZEEKS, INC. :  
                   Opposer, :  
                   v. :  
 HYPERION SOLUTIONS :  
 CORPORATION :  
                   Applicant :  
 -----X

Opposition No. 124,752  
 Application No. 76/042,824  
 Trademark: POINT 'N SYNC



Box TTAB No Fee  
 Assistant Commissioner for Trademarks  
 2900 Crystal Drive  
 Arlington, Virginia 22202-3513

07-24-2002  
 U.S. Patent & TMO/TM Mail Rpt Dt. #71

**MOTION TO WITHDRAW OPPOSER'S  
 PREVIOUS MOTION TO WITHDRAW**

On May 7, 2002, Opposer filed a request for the Voluntary Withdrawal of Opposition. This request was made in connection the parties entering a Consent Agreement in attempts to resolve this controversy. Another term of the Consent Agreement was that Applicant would amend its application to a description of goods mutually agreeable to each party and to the U.S. Patent and Trademark Office. Also on May 7, 2002, Applicant filed the proposed amendment with the U.S. Patent and Trademark Office. On June 24, 2002 the Trademark Trial and Appeal Board rejected Applicant's proposed amendment and held that the proposed amendment would modify Applicant's channels of trade thereby constituting an impermissible amendment pursuant to 37 C.F.R. § 2.71(a).

In light of the rejection of the proposed amendment, Opposer was given thirty (30) days, or until July 24, 2002, to withdraw its withdrawal of the opposition. Opposer hereby exercises its right to withdraw the withdrawal of the opposition and requests that the Trademark Trial and

Appeal Board reset the Applicant's time to answer and discovery and trial dates in an order resuming the proceeding.

WHEREAS, Opposer respectfully requests the Trademark Trial and Appeal Board to withdraw its previous motion to withdraw and allow this proceeding to resume.

Respectfully submitted,

Date: July 23, 2002

By: Rebecca L. Roby  
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Certificate of Service

I, Rebecca L. Roby, hereby certify that on this 23rd day of July, 2002 I caused a copy of the foregoing Motion to Withdraw Opposer's Previous Motion to Withdraw to be served upon Applicant by mailing a copy by regular U.S. mail, postage prepaid, addressed to:

Douglas M. McAllister  
Law Offices of Barry R. Lipsitz  
Bradford Green, Building 8  
755 Main Street  
Monroe, CT 06468

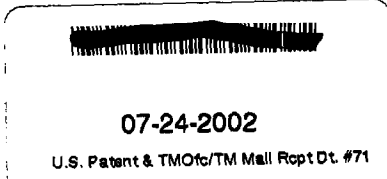
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TTAB

To: United States Patent and Trademark Office  
Attn: Trademark Trial and Appeal Board

From: Dorsey & Whitney, LLP  
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2002-  
Dorsey & Whitney Filing Number

July 24, 2002  
Filing Date

DEPOSIT ACCOUNT AUTHORIZATION <input checked="" type="checkbox"/> Please debit any fees from <b>Deposit Acct No.</b> <b>04-1425</b> and cite our Ref. No: 37028 <i>Rebecca L. Roby</i> Rebecca L. Roby	Serial No.: 76/042824 Opposition No.: 124,752 Trademark: NSYNC Client No.: 449126-8 Atty. Dkt. No.: 37028

The following items/fees are submitted herewith to the U.S. Patent & Trademark Office:

ITEMS

- Transmittal Sheet
- New U.S. intent-to-use TM Application including, Declaration, Power of Attorney, Drawing Page, and 2 return postcards
- Priority Document - Cert. copy of Application
- Request for Corrected Certificate of Registration
- Amendment or Response and PTO Postcard
- Request For Remand
- Motion To Withdraw Opposer's Previous Motion to Withdraw (in triplicate)**
- Declaration under §8 with 1 specimen per class
- Declaration under §§ 8 & 15 incl. 1 specimen per class

U.S. PTO FEES ENCLOSED

- Renewal Application incl. specimen (1 per class)
- Assignment with Cover Sheet
- Amendment to Allege Use or Statement of Use with 1 specimens per class
- Power of Attorney
- Attorney's Change of Address
- Withdrawal of Application/Express Abandonment
- Opposition / Cancellation
- Applicant's Answer
- Name and Address Change
- Filing Fee
- New Application Fee -
- Recordation