

ESTTA Tracking number: **ESTTA133150**

Filing date: **04/02/2007**

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

Proceeding	91152749
Party	Defendant Max Planck Gesellschaft zur Forderung der Wissenschaftern e.V. Max Planck Gesellschaft zur Forderung der Wissenschaftern e.V. HOFGARTENSTRASSE 8 DEX MUNICH, 80539
Correspondence Address	LOUIS K. EBLING FROST BROWN TODD LLC 201 EAST FIFTH ST, 2200 PNC Ctr Cincinnati, OH 45202 UNITED STATES mtrue@fbtlaw.com
Submission	Withdrawal Of Application
Filer's Name	Mary R. True
Filer's e-mail	mtrue@fbtlaw.com, ttoepfer@fbtlaw.com, kmichel@fbtlaw.com
Signature	/Mary R. True/
Date	04/02/2007
Attachments	Abandonment.pdf ( 2 pages )(34472 bytes ) Withdrawal.pdf ( 2 pages )(39825 bytes )

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

APPLICANT: Max Planck Gesellschaft zur Förderung der Wissenschaften E.V.  
SERIAL NO.: 76/163,965  
FILED: November 13, 2000  
FOR TRADEMARK: Miscellaneous Design

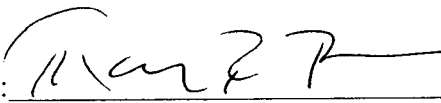
**ABANDONMENT OF APPLICATION**

NOW COMES, Max Planck Gesellschaft zur Förderung der Wissenschaften e.V., the Applicant in the above application, by its attorney, and pursuant to *Rule 2.68 of the Rules of Practice in Trademark Cases*, hereby abandons, with consent of Opposer, its application to register the Miscellaneous Design Mark (Serial Number 76/163,965).

Respectfully submitted,

MAX PLANCK GESELLSCHAFT ZUR  
FÖRDERUNG DER WISSENSCHAFTEN E.V.

Date: 4/2/07

By: 

Mary R. True  
FROST BROWN TODD LLC  
2200 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202  
Telephone: (513) 651-6143  
Facsimile: (513) 651-6981  
Attorney for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing ABANDONMENT OF APPLICATION was served via first class mail, postage prepaid, upon Jack A. Wheat, and John W. Scruton, Stites & Harbison, 400 W. Market Street, Suite 1800, Louisville, Kentucky 40202 this 2nd day of April, 2007.

Heely Michael

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

In re: Serial No. 76/163,965  
Mark: Miscellaneous Design  
Published: June 4, 2002

University of Louisville,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91152749
	:	
Max Planck Gesellschaft zur Förderung der Wissenschaften, e.V.	:	
	:	
Applicant.	:	
	:	

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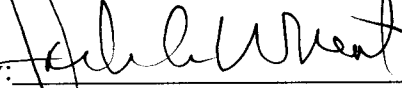
**WITHDRAWAL OF OPPOSITION**

NOW COMES, University of Louisville, the Opposer herein, by its attorney, and moves the Honorable Trademark Trial and Appeal Board to hereby withdraw the Notice of Opposition No. 91152749 to the registration of the Miscellaneous Design Mark, Application Serial Number 76/163,965, without prejudice. The Withdrawal of Opposition in this case is conditioned upon Applicant concurrently filing an Abandonment of Application Serial Number 76/163,965 in the form attached hereto.

Respectfully submitted,

UNIVERSITY OF LOUISVILLE

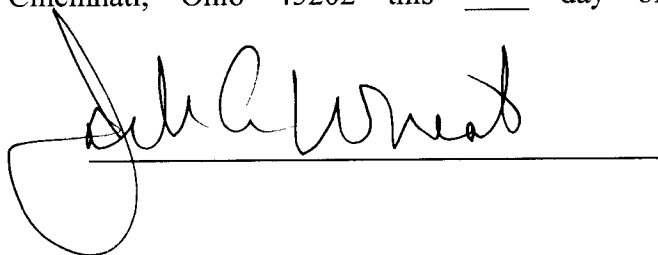
Date: 27 March 2007

By: 

Jack A. Wheat  
John W. Scruton  
STITES & HARBISON  
400 W. Market Street, Suite 1800  
Louisville, Kentucky 40202-3352  
Telephone: (502) 587-3400  
Facsimile: (502) 587-6391  
Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing WITHDRAWAL OF OPPOSITION was served via first class mail, postage prepaid, upon Mary R. True, Frost Brown Todd LLC, 2200 PNC Center, 201 East Fifth Street, Cincinnati, Ohio 45202 this 27<sup>th</sup> day of March, 2007.



A handwritten signature in cursive script, appearing to read "John A. Wheat", is written over a horizontal line. The signature is written in black ink and includes a large, stylized initial "J" that loops back under the line.