

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Dynasty Consolidated Industries, Inc.

Mark: **GRAND JEWEL**

Filed: May 2, 2002

Serial No.: 78/125,669

Class: 020

TRADEMARK TRIAL AND
APPEAL BOARD
03 JUN 27 AM 9:31

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

VOLUNTARY WITHDRAWAL OF APPLICATION WITHOUT PREJUDICE

COMES NOW Dynasty Consolidated Industries, Inc., by and through its undersigned counsel, and respectfully withdraws its application to register the mark GRAND JEWEL, Serial Number 78/125,669, filed May 2, 2002, without prejudice.

The Opposer, Sealy Technology, LLC, in an opposition to this registration filed in the Trademark Trial and Appeal Board, consents to this Voluntary Withdrawal of Application without Prejudice as evidenced by the Agreement copy attached hereto.

Power of Attorney

Applicant hereby appoints Kenneth R. Matticks, a member of the State Bars of Texas and Ohio, and Roland C. Anderson, a member of the State of Bar of Texas, its attorney to prosecute this application for registration with full power of substitution and revocation, to transact all business in the Patent and Trademark Office

connected therewith, and to receive the certificate, hereby revoking all other powers of attorney filed previously in this matter. All correspondence connected with the application should be addressed to:


Kenneth R. Matticks, Esq.
MATTICKS & ANDERSON, LLP
The White House on Turtle Creek
2401 Turtle Creek Boulevard
Dallas Texas 75219-4760
Telephone: 214.528.1881 ext. 34
Facsimile 214.528.1882
kmatticks@ippractice.com

Declaration

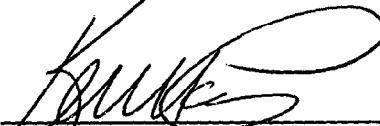
The undersigned declares that he is a citizen of the United States of America; he is authorized to sign this VOLUNTARY WITHDRAWAL OF APPLICATION WITHOUT PREJUDICE, including the within power of attorney, on behalf of Dynasty Consolidated Industries, Inc., the owner of the mark sought to be registered; that all statements made herein of his own knowledge true; that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the document or any registration resulting therefrom.

(Signatures on Page 3 hereof)

Respectfully submitted,
Dynasty Consolidated Industries, Inc.


By 
Larry Simms

Its: TRADEMARK OFFICER


Kenneth R. Matticks, Esq.
MATTICKS & ANDERSON, LLP
The White House on Turtle Creek
2401 Turtle Creek Boulevard
Dallas Texas 75219-4760
Telephone: 214.528.1881
E-mail: kmatticks@ippractice.com
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Sealy Technology, LLP, by and through their Vice President- Legal Counsel, at their regular business address on June 13, 2003 by ordinary U. S. Mail, postage prepaid.


Kenneth R. Matticks, Esq.
MATTICKS & ANDERSON, LLP
Attorneys for Applicant

Agreement to Withdraw Trademark Without Prejudice

Attachment A to "Settlement Agreement"

Sealy Technology, L.L.C. vs Dynasty Consolidated Industries, Inc.

USPTO Serial No 78125669 - "Grand Jewel"

This Agreement is made between two principal parties:

Dynasty Consolidated Industries, Inc. having its principal place of business at 4646 Harry Hines Blvd., Dallas, TX 75235-7704 (hereinafter referred to as "Dynasty"); and

Sealy Technology, L.L.C. having its principal place of business at One Office Parkway, Trinity, North Carolina, 27370 (hereinafter referred to as "Sealy").

WHEREAS, by application to the United States Department of Commerce Patent and Trademark Office (hereinafter referred to as "USPTO") on May 02, 2002, serial number 78/125,669, Dynasty has sought registration of GRAND JEWEL as a Trademark in International Class 20;

WHEREAS, Sealy has formally filed a Notice of Opposition against Dynasty's application for GRAND JEWEL, Opposition No 91155857, with the USPTO Trademark Trial and Appeal Board on March 19, 2003 ;

WHEREAS, Dynasty has entered into a separate Settlement Agreement with Sealy wherein Dynasty has agreed to petition the USPTO to withdraw its application to register GRAND JEWEL;

WHEREAS, Sealy is in agreement with Dynasty that the aforesaid USPTO application may be withdrawn "Without Prejudice";

WHEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt of which is mutually acknowledged, the parties agree as follows:

Sealy consents to a petition by Dynasty to withdraw **WITHOUT PREJUDICE** its trademark application Serial No 78/125,669 which is currently pending before the USPTO for the mark GRAND JEWEL.

Agreement to Withdraw Without Prejudice - Sealy Technology, LLC vs Dynasty Consolidated Industries, Inc. re USPTO Serial No 78125669
Page 2 of 2
6/2/03

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date appearing with their signatures below.

Sealy Technology, L.L.C.

Dynasty Consolidated Industries, Inc.

By: [Signature]

By: [Signature]

(name) MICHAEL D. MURRAY

Larry Simms,

(title) VICE PRESIDENT - LEGAL COUNSEL

Business Manager & Trademark Officer

Date: JUNE 3, 2003

Date: JUNE 11, 2003

CERTIFICATE OF MAILING BY FIRST CLASS SERVICE

Date of Deposit: June 13, 2003

I hereby certify that this paper is being deposited with the United States Postal Service first class service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Office of the Assistant Commissioner for Trademarks, BOX- No Fee, 2900 Crystal Drive, Arlington, Virginia 22202-3513.



Kenneth R. Matticks

Enclosed are the following documents:

Voluntary Withdrawal of Application without Prejudice,
with Agreement attachment thereto;

Original and one copy of the Transmittal;

Postal card to be stamped and returned; and

This Certificate of Mailing.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Dynasty Consolidated Industries, Inc.

MARK: GRAND JEWEL

Class: 020

Serial No.: 78/125,669

Law Office: 116

TRANSMITTAL

Box - No Fee
Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

Enclosed are the following regarding the above-identified trademark application:

1. Signed Voluntary Withdrawal of Application;
2. An original and one copy of this Transmittal Letter;
3. Certificate of Mailing by First Class Mail; and
4. A postcard (please stamp and return).

Respectfully submitted,



Kenneth R. Matticks, Esq.
MATTICKS & ANDERSON, LLP
The White House on Turtle Creek
2401 Turtle Creek Boulevard
Dallas, Texas 75219
214.528.1881
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