

ESTTA Tracking number: **ESTTA12655**

Filing date: **07/30/2004**

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

Proceeding	91155955
Party	Plaintiff TWIN LABORATORIES INC. TWIN LABORATORIES, INC. 2120 SMITHTOWN AVENUE RONKONKOMA, NY 11779
Correspondence Address	CHESTER ROTHSTEIN AMSTER, ROTHSTEIN & EBENSTEIN 90 PARK AVENUE NEW YORK, NY 10016
Submission	Withdrawal of Opposition
Filer's Name	Chester Rothstein
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Signature	/Chester Rothstein/
Date	07/30/2004
Attachments	WD BREAKTHROUGH.pdf (2 pages)

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

In the Matter of
Application

Serial No. : 76/439,124

Filed : August 9, 2002

Trademark : THERMO FUEL

-----X		
TWINLAB CORPORATION,	:	
Opposer,	:	Opposition No. 91155955
	:	
v.	:	
	:	
BREAKTHROUGH ENGINEERED	:	
NUTRITION, INC.	:	
Applicant.	:	
-----X		

**WITHDRAWAL OF OPPOSITION
UPON CONSENT**

Box TTAB - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Commissioner:

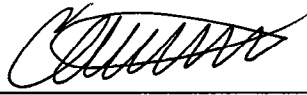
The parties, by and through their respective counsel, hereby consent to a withdrawal of this Opposition Proceeding, based upon the terms of a Settlement

Agreement binding between the parties which includes the filing of a Withdrawal of Application, with Prejudice, of the opposed mark.

Respectfully submitted,

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Attorneys for Opposer
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Date: 6/29/04

By 
Chester Rothstein

CONSENTED TO:

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By 
J. Todd Timmerman

Date: 7/26/04