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Filing date: **06/21/2006**

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

Proceeding	91158851
Party	Plaintiff RETAIL ROYALTY COMPANY
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Submission	Withdrawal Of Application
Filer's Name	Sarah Otte Graber
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Signature	/Sarah O. Graber/
Date	06/21/2006
Attachments	Withdrawal.pdf (4 pages)(86335 bytes)

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

In re Application Serial No. 76/467,589

Retail Royalty Company and)	
American Eagle Outfitters, Inc.,)	Opposition No. 91/158,851
)	
Opposers,)	Mark: A and Design
v.)	Filed: November 15, 2002
)	
Cluett Peabody Resources Corporation,)	
)	
Applicant-Respondent.)	
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Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**CONSENTED EXPRESS ABANDONMENT OF APPLICATION AND
DISMISSAL OF OPPOSITION PROCEEDING WITHOUT PREJUDICE**

Applicant Cluett Peabody Resources Corporation, by its undersigned attorney, hereby expressly abandons the above-identified application without prejudice. Opposers Retail Royalty Company and American Eagle Outfitters, Inc., by their undersigned attorney, hereby consent pursuant to 37 CFR § 2.135 to Applicant's abandonment of the above-identified trademark application and further request that Opposition No. 91/158,851 be dismissed without

prejudice to either party.

Respectfully submitted,

Retail Royalty Company and
American Eagle Outfitters, Inc.,

Cluett Peabody Resources Corporation,

By: Sarah O. Graber 6/16/06 Date
Sarah Otte Graber
Wood, Herron & Evans, L.L.P.
441 Vine Street
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Attorney for Opposers

By: Aimee Gardner 6/15/06 Date
Edward E. Vassallo
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Attorneys for Applicant

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically to the United States Patent and Trademark Office, Trademark Trial and Appeal Board on the date shown below.

Date: June 21, 2006

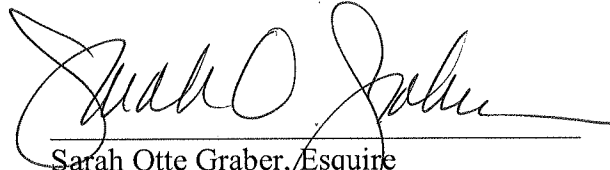
Beverly A. Dietrich
Beverly A. Dietrich

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **WITHDRAWAL OF NOTICE OF OPPOSITION WITHOUT PREJUDICE** was served by first class mail, postage prepaid upon

Aimee Nassau Gardiner, Esquire
Fitzpatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, NY 10112-3800

this 21th day of June, 2006.

A handwritten signature in black ink, appearing to read "Sarah Otte Graber", written over a horizontal line.

Sarah Otte Graber, Esquire
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