

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: September 17, 2004

Opposition No. 91160863

FitnessDynamics

v.

Betsy Steiner Dressage, LLC

Opposer, without the written consent of applicant, filed a withdrawal of the opposition on September 14, 2004.¹

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant.

In view thereof, and because the withdrawal was filed after answer, the opposition is dismissed with prejudice.²

***By the Trademark Trial
and Appeal Board***

¹ Opposer's withdrawal of the opposition does not indicate proof of service of a copy of same on counsel for applicant as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said withdrawal is forwarded herewith to counsel for applicant.

² All pending motions and matters are hereby deemed moot.