

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Betsy Steiner Dressage, LLC  
Serial No. : 76/506,717  
For : **EQUILATES**  
Examiner : Dan Bavonese  
Law Office 103

Assistant Commissioner of Patents and Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

NOTICE OF WITHDRAWAL OF OPPOSITION AND REQUEST FOR REGISTRATION

Trademark Application Serial Number 76/506,717 was published for opposition on December 23, 2003. Opposer "Fitness Dynamics, LLC" initiated Opposition Number 91160863 against the Applicant. On September 14, 2004, Opposer filed a withdrawal of the opposition. Furthermore, Opposer executed an express abandonment of its own trademark application on September 17, 2004. (copies attached).

As the opposition has been withdrawn and there being no further opposition to Serial Number 76/506,717 and the publication period having closed, the Applicant respectfully requests that Application Serial Number 76/506,717 be matured into a registration.

Respectfully submitted,

  
Carl J. Spagnuolo

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09-29-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22



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.<sup>1</sup>

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant.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.<sup>2</sup>

*By the Trademark Trial  
and Appeal Board*

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<sup>1</sup> 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.

<sup>2</sup> All pending motions and matters are hereby deemed moot.

UNITED STATES DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

78258498 In re application of: : FitnessDynamics, LLC  
Serial No. : 78/258,498  
Mark : EQUILATES

Hon. Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

EXPRESS ABANDONMENT OF APPLICATION

Dear Sir:

Pursuant to 37 C.F.R. 2.68 , Applicant respectfully requests that the above-captioned trademark application is hereby expressly abandoned.

Respectfully submitted,

Date: 9/17/04



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Brenda McDermott, Owner  
FitnessDynamics, LLC - Applicant