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

| | |
|---------------------------|---|
| Proceeding | 91163836 |
| Party | Defendant GREEN ENERGY INC. |
| Correspondence Address | THOMAS E. TONER SMITH & HOPEN, P.A. 180 PINE AVENUE NORTH OLDSMAR, FL 34677 UNITED STATES tom.toner@smithhopen.com |
| Submission | Withdrawal of Counterclaim |
| Filer's Name | Anton J. Hopen |
| Filer's e-mail | trademarks@smithhopen.com |
| Signature | /anton j hopen/ |
| Date | 08/04/2009 |
| Attachments | MOTION-COUNTERCLAIM.pdf (1 page)(28435 bytes) |

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

SMARTPOOL, INC.

Opposer

v.

GREEN ENERGY INC.

Applicant

Opposition No. 91163836

Serial No. 78/336,956

For the mark **SUNWAVE**

Filed: December 5, 2003

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

STIPULATED MOTION TO WITHDRAW THE COUNTERCLAIM

Sir:

Due to the Agreement between the parties, Applicant hereby through its attorneys, files the present Stipulated Motion with Withdraw the Counterclaim.

Very respectfully,

SMITH & HOPEN, P.A.

Date: August 4, 2009

By: 

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