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Filing date: **02/09/2006**

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

Proceeding	91164638
Party	Plaintiff ECOLAB INC
Correspondence Address	Anna W. Manville Merchant & Gould P.C. P.O. Box 2910 Minneapolis, MN 55402-9944 UNITED STATES hkliebenstein@merchant-gould.com
Submission	Withdrawal of Opposition
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Signature	/Heather Kliebenstein/
Date	02/09/2006
Attachments	withdrawal.pdf ( 2 pages )

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

In the matter of Application Ser. No.: 76/597,852  
Filed: June 17, 2004  
For the mark ECOSOAP BY TOTO  
Published in the *Official Gazette* (Trademarks) on November 23, 2004

ECOLAB INC.,

Opposer,

v.

TOTO USA, Inc.,

Applicant.

Opposition No. 91-164,638

**COMMUNICATION AND WITHDRAWAL OF OPPOSITION**

Applicant and Opposer have settled the matter related to the opposition against and the registration of the mark ECOSOAP BY TOTO, App. Ser. No. 76-597,852, for "foaming, anti-bacterial liquid soap," in International Class 3. Toto USA, Inc. will be shortly be filing a notice of express abandonment of App. Ser. No. 76-597,852.

For these reasons, and with consent of Applicant, Opposer requests that the Notice of Opposition be withdrawn.

Respectfully submitted,

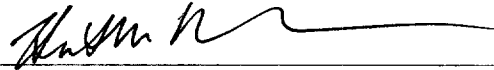
By: 

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing COMMUNICATION AND WITHDRAWAL OF OPPOSITION was served upon the following attorney of record for Applicant by First Class Mail, this 9th day of February, 2006:

Christopher Chaudoir, Esq.  
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725 South Figueroa Street, Suite 2800  
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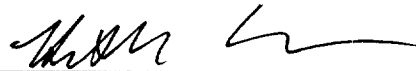


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Heather J. Kliebenstein

**CERTIFICATE OF MAILING**

I hereby certify that this COMMUNICATION AND WITHDRAWAL OF OPPOSITION is being filed electronically with the United States Patent and Trademark Office's Electronic System for Trademark Trials and Appeals (ESTTA) on this 9th day of February, 2006.



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Heather J. Kliebenstein