

TTAB

**Moore & Van Allen**

November 28, 2005

**Via Express Mail: ET146100201US**

**BOX APP - NO FEE**

Commissioner for Trademarks

P.O. Box 1451

Alexandria, Virginia 22313-1451

**Arthur J. DeBaugh**  
Attorney at Law

T 919 286 8065  
F 919 416 8365  
artdebaugh@mvalaw.com

**Moore & Van Allen PLLC**

Suite 500  
430 Davis Drive  
PO Box 13706  
Research Triangle Park, NC 27709

*Courier:*  
Suite 500  
430 Davis Drive  
Morrisville, NC 27560

**Re: Applicant: Neuville Industries, Inc.**  
**Opposer: Knit-Rite, Inc.**  
**Mark: THERAPEDS**  
**Serial No.: 78/418,753**  
**Opposition No.: 91165005**  
**Our Reference: 015054.023**



Dear Sir or Madam:

11-28-2005

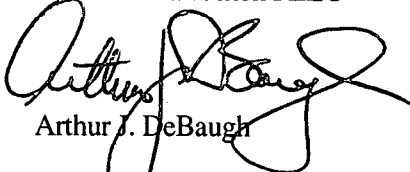
U.S. Patent & TMO/TM Mail Rcpt Dt. #11

We are enclosing the following:

1. Express Abandonment of Application without Prejudice for the THERAPEDS application in International Classes 003, 010 and 025, Serial Number 78/418,753; and
2. A receipt acknowledgment postcard (stamped and self-addressed) to be stamped with your date stamp and returned to us.

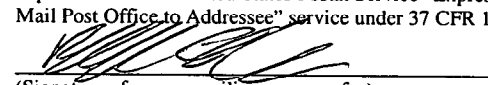
Thank you for your assistance in this matter.

Moore & Van Allen PLLC

  
Arthur J. DeBaugh  
AJD:aeh

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
"Express Mail" mailing label number ET146100201US

I hereby certify that this correspondence is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, BOX APP NO FEE, and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10

  
(Signature of person mailing paper or fee)

Brian Coley  
(Typed or printed name of person mailing paper or fee)

November 28, 2005  
(Date of signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Neuville Industries, Inc.  
**Mark:** THERAPEDS  
**Serial Number:** 78/418,753  
**Filing Date:** May 14, 2004  
**International Classes:** 003, 010 and 025

**BOX APP – NO FEE**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451



11-28-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

**Express Abandonment of Application without Prejudice**

Dear Sir or Madam:

Applicant, through its attorney, hereby expressly abandons the above-referenced Application which was filed on May 14, 2004, without prejudice and with the consent of Opposer's attorney, as evidenced by Opposer's attorney's signature below, pursuant to Trademark Rules 2.68 and 2.135, 37 C.F.R. Section 2.68 and 37 C.F.R. Section 2.135. The above-referenced Application is currently the subject of pending Opposition No. 91165005.

NEUVILLE INDUSTRIES, INC.

By: Arthur J. DeBaugh  
Date: November 15, 2005  
Name: Arthur J. DeBaugh  
Title: Attorney for Neuville Industries, Inc.

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
"Express Mail" mailing label number ET146100201US

I hereby certify that this correspondence is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, BOX APP NO FEE, and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10

William Coley  
(Signature of person mailing paper or fee)

Brian Coley  
(Typed or printed name of person mailing paper or fee)

11/28/05  
(Date of signature)

Opposer Knit-Rite, Inc., through its attorney, hereby consents to the Express Abandonment without Prejudice of Application Serial No. 78/418,753, which is the subject of Opposition No. 91165005.

KNIT-RITE, INC.

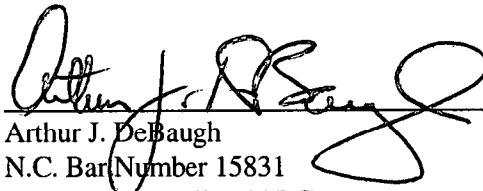
By: *Michael Elbein*  
Date: *November 18, 2005*  
Name: *Michael Elbein*  
Title: Attorney for Knit-Rite, Inc.

**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing **Express Abandonment of Application without Prejudice** has been served this day via first class mail by depositing a copy thereof in a depository under the exclusive care and custody of the United States Postal Service in a postage prepaid envelope and properly addressed as follows:

Michael Elbein  
Hovey Williams LLP  
2405 Grand Boulevard, Suite 400  
Kansas City, Missouri 64108-2519

This the 28<sup>th</sup> day of November, 2005.



Arthur J. DeBaugh  
N.C. Bar Number 15831  
Moore & Van Allen PLLC  
Attorney for Neuville Industries, Inc.  
430 Davis Drive, Suite 500  
Morrisville, North Carolina 27560  
Post Office Box 13706  
Research Triangle Park, North Carolina 27709  
Telephone: 919-286-8000  
Facsimile: 919-286-8199