

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Ricks

Mailed: January 24, 2007

Opposition No. **91165792**

PHASE FORWARD INCORPORATED

v.

Phasedata Corp.

Opposer, without the written consent of applicant, filed a withdrawal¹ of the opposition on January 23, 2007.

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant.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

*By the Trademark Trial
and Appeal Board*

¹ Opposer's withdrawal 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 abandonment is forwarded herewith to counsel for applicant.