

ESTTA Tracking number: **ESTTA54077**

Filing date: **11/18/2005**

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

Proceeding	91166519
Party	Plaintiff Ecolab Inc. Ecolab Inc. 370 Wabasha Street North St. Paul, MN 55102 UNITED STATES
Correspondence Address	Anna W. Manville Merchant & Gould P.C. P.O. Box 2910 Minneapolis, MN 55402-9944 UNITED STATES amanville@merchant-gould.com, lmerz@merchant-gould.com, dockmpls@merchant-gould.com
Submission	Withdrawal of Opposition
Filer's Name	Heather J. Kliebenstein
Filer's e-mail	hkliebenstein@merchant-gould.com, egrumbles@merchant-gould.com, lfalla@merchant-gould.com
Signature	s/Heather J. Kliebenstein/
Date	11/18/2005
Attachments	2005 11 18 Ntc of Withdwl.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.: 78/341,256
Filed: December 16, 2003
For the mark ECO-COOLING
Published in the *Official Gazette* (Trademarks) on April 26, 2005

ECOLAB INC.,

Opposer,

v.

AdobeAir, Inc.,

Applicant.

Opposition No. 91-166,519

COMMUNICATION AND WITHDRAWAL OF OPPOSITION

On November 2, 2005, Applicant and Opposer settled the matter related to the opposition against and the registration of the mark ECO-COOLING, App. Ser. No. 78-341,256, for "providing consumer information in the field of evaporative coolers," in International Class 35.

Subsequent to agreement between the parties, the parties mutually agree that Ecolab no longer opposes registration of the ECO-COOLING mark. For these reasons, and with consent of Applicant, Opposer requests that the Notice of Opposition be withdrawn without prejudice.

Respectfully submitted,

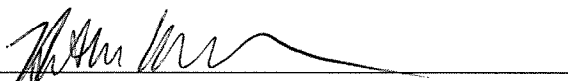
By: 

Ernest W. Grumbles
Heather J. Kliebenstein
MERCHANT & GOULD, P.C.
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Tel: 612.332.5300
Fax: 612.332.9081

CERTIFICATE OF SERVICE

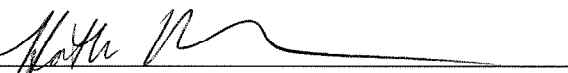
I hereby certify that a true copy of the foregoing COMMUNICATION AND WITHDRAWAL OF OPPOSITION was served upon the following attorney of record for Applicant by First Class Mail, this 18th day of November, 2005:

Bradley P. Hartman, Esq.
Stinson Morrison Hecker LLP
1850 North Central Avenue
Suite 2100
Phoenix, AZ 85004-4584


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 18th day of November, 2005.


Heather J. Kliebenstein