

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

Baez

Mailed: February 15, 2007

Opposition No. 91167278

Dr. Oetker Ltd.

v.

MCCORMICK DISTILLING CO.,
INC.

On February 9, 2007, opposer filed a withdrawal of the opposition in accordance with the parties' settlement agreement.

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the **written** consent of applicant.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.¹

***By the Trademark Trial
and Appeal Board***

¹ Opposer's motion filed February 9, 2007 fails to indicate proof of service on applicant, as required by Trademark Rule 2.119. In order to expedite this matter, a copy of the February 9, 2007 paper is forwarded herewith to attorney's counsel. Notwithstanding, strict compliance with Trademark Rule 2.119 is required by opposer in all future papers filed with the Board.

