

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

IN THE MATTER OF APPLICATION SERIAL NO. 78/671,246
PUBLISHED IN THE OFFICIAL GAZETTE ON MAY 9, 2006

THIERRY MUGLER PARFUMS S.A.S.,) Opposition No.: 91172690
))
 Opposer,))
))
 v.))
))
DUDLEY PRODUCTS, INC.,))
))
 Applicant.))

**APPLICANT'S RESPONSE TO OPPOSER'S MOTION FOR SANCTIONS
AND APPLICANT'S VOLUNTARY CONCESSION OF OPPOSITION
PROCEEDINGS AND EXPRESS ABANDONMENT OF APPLICATION**

The Applicant, Dudley Products, Inc., by and through its attorneys Ladas & Parry LLP, herein responds to Opposer's Motion for Sanctions as moot and herein attaches its voluntary concession of opposition proceedings and express abandonment of application and further states as follows:

The Applicant takes certain issue with Opposer's Motion and its conducting of discovery, which to some extent were matters previously raised in prior papers. The Opposer has asked for discovery sanctions, as well the possibility of the entering of a judgment against the applicant for the failure to comply with certain discovery. No conference occurred by telephone or otherwise among respective counsel for the parties prior to the filing of the Opposer's Motion and had such conference occurred

the Opposer's counsel would have learned that Applicant's counsel was expecting to shortly receive instructions on the voluntary resolution of this matter and on the Applicant's voluntarily agreeing to the sustaining of the Opposition against the application involved.

The Applicant has lost interest in further efforts at registering the mark at issue. The Applicant herein attaches its concession of the Opposition proceedings and its voluntary abandonment of the application at issue. Based upon the entry of these papers it is submitted that the opposition proceedings against the registration of the mark at issue will be sustained and the underlying application is herein being expressly abandoned with prejudice.

The Board need not further consider Opposer's Motion, as in light of the foregoing it becomes moot.

Based upon the foregoing it is respectfully submitted that the Board may now enter an Order voluntarily sustaining the opposition proceedings against the application involved and holding the application as abandoned with prejudice.

Respectfully submitted,

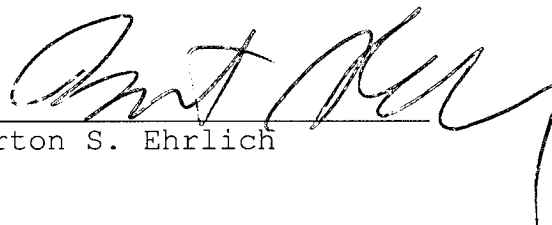


By One of The Attorneys
For The Applicant

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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to ATTN: TTAB; Assistant Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on this 27th day of October, 2008.



Burton S. Ehrlich

CERTIFICATE OF SERVICE

The undersigned, one of Applicant's attorneys, hereby certifies that on October 27, 2008, he caused a true and correct copies of the foregoing APPLICANT'S RESPONSE TO OPPOSER'S MOTION FOR SANCTIONS AND APPLICANT'S VOLUNTARY CONCESSION OF OPPOSITION PROCEEDINGS AND EXPRESS ABANDONMENT OF APPLICATION to be served upon Opposer's counsel by First Class mail, postage pre-paid, at the following address:

Mary Catherine Merz
Merz & Associates, P.C.
1140 Lake Street
Suite 304
Oak Park, Illinois 60301-1051



Burton S. Ehrlich