

ESTTA Tracking number: **ESTTA196349**

Filing date: **03/05/2008**

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

| | |
|------------------------|--|
| Proceeding | 91173267 |
| Party | Plaintiff 4273371 Canada Inc. |
| Correspondence Address | Paul Fields Darby & Darby PC 7 World Trade Center250 Greenwich Street New York, NY 10007 UNITED STATES tmdocket@darbylaw.com, asingh@darbylaw.com, pfields@darbylaw.com |
| Submission | Other Motions/Papers |
| Filer's Name | Atul R. Singh |
| Filer's e-mail | asingh@darbylaw.com |
| Signature | /Atul R. Singh/ |
| Date | 03/05/2008 |
| Attachments | Zilly order 8-28-07 vacting injunction.pdf (2 pages)(35553 bytes) |

EXHIBIT A

TO

*OPPOSER'S REPLY BRIEF TO
APPLICANT'S OPPOSITION TO
OPPOSER'S CROSS MOTION TO
SUSPEND PROCEEDING (See TTABVUE
DOCKET #21)*

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE TOPLINE CORPORATION, a
Washington Corporation, and REPORT
FOOTWEAR, INC., a Washington
Corporation,

Plaintiffs,

v.

4273371 CANADA, INC., a Canadian
Corporation, and MODEXTIL, INC., a
Canadian Corporation, jointly d/b/a REPORT
COLLECTION,

Defendants.

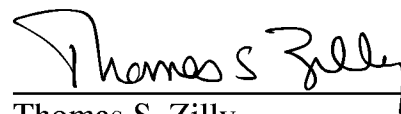
C07-938Z

ORDER

The Court has received a letter from Timothy Boller, an attorney for Topline Corporation, dated August 27, 2007, docket no. 45, representing that Topline Corporation will not post the \$1,000,000 bond. Therefore, the Court now VACATES the Preliminary Injunction, docket no. 37.

IT IS SO ORDERED.

DATED this 28th day of August, 2007.



Thomas S. Zilly
United States District Judge