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Filing date: **10/19/2009**

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

Proceeding	91184081
Party	Defendant Roger Nelson Chipman
Correspondence Address	Alicia D. Gaddy Dungan & Associates, P.A. One Rankin Avenue, Third Floor Asheville, NC 28801 UNITED STATES AVega@dunganlaw.com, agaddy@dunganlaw.com
Submission	Withdrawal Of Application
Filer's Name	Alicia D. Gaddy
Filer's e-mail	avega@dunganlaw.com
Signature	/Alicia D. Gaddy/
Date	10/19/2009
Attachments	Abandonment Request.executed.pdf (2 pages)(88410 bytes)

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

In the Matter of Application Serial No.: 78/882,634
For the Mark: SHOO-FLY DRAGONEYE
Published in the Official Gazette on: January 15, 2008

and

In the Matter of Registration No.: 3,334,810
For the Mark: SHOO-FLY EYE
Date of Registration: November 13, 2007

Charles F. Hudson, Jr.,)	
)	
Opposer/Petitioner,)	
)	Opposition No. 91184081
v.)	
)	Cancellation No. 92049351
Roger Nelson Chipman,)	
)	
Applicant/Registrant.)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**APPLICANT'S MOTION ON CONSENT
TO REQUEST ABANDONMENT OF APPLICATION**

Pursuant to Trademark Rule 2.135 (37 C.F.R. §2.135), Roger Nelson Chipman, Applicant herein, through its authorized attorney requests that Application Ser. No. 78/882,634 for the mark **SHOO-FLY DRAGONEYE** be abandoned with prejudice.

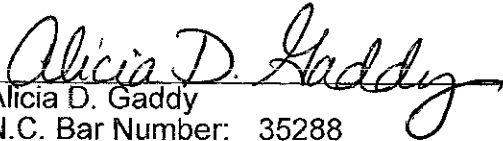
Applicant has requested and has received the consent to this request for abandonment of application from Opposer's undersigned counsel, Douglas Wm. Massinger, Esq. Applicant requests this abandonment of application pursuant to a settlement agreement entered into by Applicant and Opposer. Accordingly, Applicant and Opposer request this abandonment of application in accordance with their agreement to resolve this matter amicably and without unnecessary expenditure of the Board's resources.

A copy of this motion on consent is being sent to Opposer's counsel.

EXHIBIT A

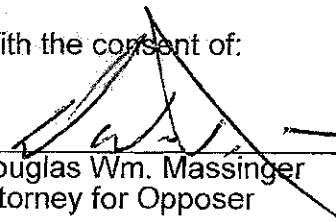
Respectfully submitted,

Dated: October 19, 2009


Alicia D. Gaddy
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Dated: 9-16, 2009

With the consent of:


Douglas Wm. Massinger
Attorney for Opposer

CERTIFICATE OF SERVICE

I certify that the foregoing *Applicant's Motion on Consent to Request Abandonment of Application* was served on Opposer by mailing a copy by first class mail, postage prepaid, and by sending a copy by facsimile on the 19 day of October, 2009, to Opposer's counsel at the following address:

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