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

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Mailed: January 2, 2009

Opposition No. 91184920

Aldi Inc.

v.

SmithKline Beecham Corporation

On November 21, 2008, the Board approved the amendment to applicant's identification of goods in application Serial Nos. 77231617; 77231626; 77231569; 77231574; 77231579 and 77231580, and allowed opposer time in which to file a withdrawal of the opposition.

On December 22, 2008, opposer filed a withdrawal of the opposition without prejudice.

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant.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

By the Trademark Trial and Appeal Board