

ESTTA Tracking number: **ESTTA518381**

Filing date: **01/28/2013**

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

Proceeding	91187606
Party	Plaintiff Educational Testing Service
Correspondence Address	TIMOTHY P FRAELICH JONES DAY NORTH POINT, 901 LAKESIDE AVENUE CLEVELAND, OH 44114-1190 UNITED STATES aeraimer@jonesday.com, clkiedrowski@jonesday.com, tfraclich@jonesday.com
Submission	Withdrawal of Opposition
Filer's Name	Carrie L. Kiedrowski
Filer's e-mail	clkiedrowski@jonesday.com, tfraclich@jonesday.com
Signature	/Carrie L. Kiedrowski/
Date	01/28/2013
Attachments	STIPULATED WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE Opposition No. 91187606 1-28-13.pdf (3 pages)(9754 bytes)

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

)	Opposition No. 91187606
)	
EDUCATIONAL TESTING SERVICE)	
)	
Opposer/Counterclaim Defendant)	Application Serial No. 77/411,075
)	
vs.)	
)	
DURAN RUBERO BEAUTY CENTER)	
INC.)	
)	
Applicant/Counterclaim Plaintiff		

STIPULATED WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE

Pursuant to TBMP § 601.01 and 37 CFR § 2.106(c), Opposer/Counterclaim Defendant, Educational Testing Service, hereby withdraws the above-captioned opposition proceeding without prejudice and Applicant/Counterclaim Plaintiff, Duran Rubero Beauty Center, Inc., also withdraws its Counterclaim for Partial Cancellation with prejudice. The parties have resolved their dispute with the execution of a Settlement Agreement.

Dated this 28th day of January, 2013.

Respectfully submitted,

By: /s/ Carrie L. Kiedrowski/
Carrie L. Kiedrowski
JONES DAY
1420 Peachtree Street, N.E.
Telephone: 404.581.8620
Facsimile: 404.581.8330
Email: clkiedrowski@jonesday.com

Timothy P. Fraelich
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190
Telephone: 216.586.3939

Facsimile: 216.579.0212
Email: tfraelich@jonesday.com

Attorneys for Educational Testing Service

By: /s/ Henry Rodriguez/

Henry Rodriguez, Esq.
Amaury Cruz, PA
1560 Lenox Avenue, Suite 207
Miami Beach, Florida 33139
Telephone: 305.604.2051
Facsimile: 305.604.2011
Emails: henry@lexarian.com, lex@lexarian.com

Attorney for Duran Rubero Beauty Center, Inc.

CERTIFICATE OF SERVICE

A copy of the foregoing document entitled STIPULATED WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE was served on this 28th day of January, 2013, via e-mail pursuant to the parties' agreement, upon the Attorney of Record for Applicant:

Henry Rodriguez, Esq.
Amaury Cruz, PA
1560 Lenox Avenue, Suite 207
Miami Beach, Florida 33139
Telephone: 305.604.2051
Facsimile: 305.604.2011
Emails: henry@lexarian.com, lex@lexarian.com

By: /s/ Carrie L. Kiedrowski/
Attorney for Opposer