

ESTTA Tracking number: **ESTTA297791**

Filing date: **07/28/2009**

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

Proceeding	91190061
Party	Plaintiff Budget Rent A Car System, Inc.
Correspondence Address	Linda Rush Avis Budget Group, Inc. 6 Sylvan Way Parsippany, NJ 07054 UNITED STATES uspto.mail@avisbudget.com
Submission	Motion to Dismiss - Rule 12(b)
Filer's Name	Linda Rush
Filer's e-mail	uspto.mail@avisbudget.com
Signature	/Linda Rush/
Date	07/28/2009
Attachments	BudgetAllstateDismissal.pdf (3 pages)(45882 bytes)

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

-----X)	
BUDGET RENT A CAR SYSTEM, INC.)	
Opposer,)	
)	
v.)	Opposition No. 91190061
)	In Re: Application No. 77545822
ALLSTATE INSURANCE COMPANY.)	Mark: BUDGETSMART
Applicant.)	Filed: August 13, 2008
-----X)	

STIPULATION OF DISMISSAL AND WITHDRAWAL OF OPPOSITION

Commissioner of Trademarks
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
2900 Crystal Drive
Arlington VA 22202-3514

Sirs:

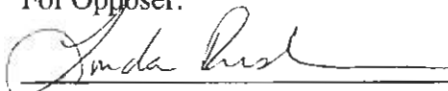
Budget Rent A Car System, Inc., a corporation of the State of Delaware, having its principal place of business at 6 Sylvan Way, Parsippany, NJ 07054 (hereinafter, "Opposer") respectfully requests that the captioned Opposition proceedings be dismissed without prejudice.

Opposer and Allstate Insurance Company (hereinafter, "Applicant") have settled the present controversy. Under 37 CFR §2.106(c), such dismissal is without prejudice since Applicant has not filed an Answer in the proceedings; however, the parties have stipulated to such dismissal and Applicant consents to same. Favorable action will obviate the need for further intervention by the Board.

The Parties thus respectfully request the captioned Opposition be dismissed.

Respectfully Submitted,

For Opposer:



Linda Rush

Attorney

Budget Rent A Car System, Inc.

6 Sylvan Way

Parsippany, NJ 07054

973 496-3682

uspto.mail@avisbudget.com

For Applicant:



Kevin Thompson

Attorney

Davis McGrath LLC

125 S. Wacker Drive

Chicago IL 60606

312 332-3033

kthompson@davismcgrath.com

CERTIFICATE OF SERVICE

The undersigned certifies that on the date indicated below this STIPULATION OF WITHDRAWAL OF OPPOSITION was electronically submitted and filed via eTEAS, addressed to:

Commissioner of Trademarks
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The undersigned certifies that on the date indicated below this STIPULATION OF WITHDRAWAL OF OPPOSITION was deposited with the United States Postal Service, first class mail, addressed to:

Kevin Thompson
Davis McGrath LLC
125 S. Wacker Drive
Chicago IL 60606

By: _____

Date: _____