

ESTTA Tracking number: **ESTTA431386**

Filing date: **09/20/2011**

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

|                        |  |
|------------------------|--|
| Proceeding             | 91194943   |
| Party                  | Plaintiff<br>The Power of Fruit, Inc.  |
| Correspondence Address | Sanford J. Piltch<br>1132 Hamilton Street,Suite 201<br>Allentown, PA 18101<br>UNITED STATES<br>spiltch@pennsylvlawyers.com |
| Submission             | Withdrawal of Opposition   |
| Filer's Name           | Sanford J. Piltch, Esq.  |
| Filer's e-mail         | spiltch@pennsylvlawyers.com  |
| Signature              | /Sanford J Piltch/   |
| Date                   | 09/20/2011   |
| Attachments            | Request-WithdrawOpposition(with Prejudice)[092011].pdf ( 2 pages )(46046 bytes )   |

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

|                          |   |                           |
|--------------------------|---|---------------------------|
| The Power of Fruit, Inc. | : |                           |
|                          | : | OPPOSITION No. 91-194,943 |
| OPPOSER,                 | : |                           |
|                          | : |                           |
| v.                       | : |                           |
|                          | : |                           |
| Apple & Eve, LLC         | : |                           |
|                          | : |                           |
| APPLICANT/RESPONDENT.    | : |                           |

REQUEST FOR WITHDRAWAL OF OPPOSITION BY OPPOSER WITH PREJUDICE

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

Sir:

The parties to the OPPOSITION, **The Power of Fruit, Inc.** and **Apple & Eve, LLC**, pursuant to a SETTLEMENT AGREEMENT, have agreed that the above-identified OPPOSITION be withdrawn, with prejudice. In accordance with the Settlement Agreement, and since no Answer has yet been filed, Opposer requests the Board terminate the Opposition pursuant to 37 C.F.R. §2.106(c), by an appropriate Order disposing of this matter, with prejudice.

Respectfully submitted,

DATE: **September 20, 2011**

BY:           **s/ Sanford J Piltch** /            
Sanford J. Piltch, Esq.  
Reg. No. 29,997  
1132 Hamilton Street - Suite 201  
Allentown, PA 18101-1024  
TEL: 610-433-6266  
FAX: 610-820-9566  
ATTORNEY FOR OPPOSER

## **CERTIFICATE OF TRANSMISSION**

I hereby certify that this REQUEST FOR WITHDRAWAL OF OPPOSITION BY OPPOSER WITH PREJUDICE is being electronically filed with the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

DATE: **September 20, 2011**

BY:           **s/ Sanford J Piltch /**            
Sanford J. Piltch, Esq.

## **CERTIFICATE OF SERVICE**

The undersigned, hereby certifies that a copy of the above and foregoing REQUEST FOR WITHDRAWAL OF OPPOSITION BY OPPOSER WITH PREJUDICE was served on all counsel of record, by FIRST CLASS MAIL, postage prepaid, or the equivalent thereof, on the date indicated below.

DATE: **September 20, 2011**

BY:           **s/ Sanford J Piltch /**            
Sanford J. Piltch, Esq.