

ESTTA Tracking number: **ESTTA461352**

Filing date: **03/13/2012**

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

Proceeding	91196550
Party	Plaintiff The Alchemy Carta, Limited
Correspondence Address	WILLIAM L NIRO NIRO SCAVONE HALLER & NIRO 181 WEST MADISON STREET, SUITE 4600 CHICAGO, IL 60602 UNITED STATES wniro@nshn.com, mecysne@nshn.com
Submission	Response to Board Order/Inquiry
Filer's Name	William L. Niro
Filer's e-mail	wniro@nshn.com, mecysne@nshn.com
Signature	/William L. Niro/
Date	03/13/2012
Attachments	Resp and Motion re Dismissal.pdf ( 3 pages )(17109 bytes )

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

Opposer's Ref.: TM 2272

In the Matter of Application Serial No. 77/908287  
Mark: ALCHEMIST

THE ALCHEMY CARTA, LTD.,

Opposer,

against

SPARE TIRE SPORTS, LLC,

Applicant.

Opposition No.: 91196550

---

**OPPOSER'S RESPONSE TO TTAB'S NOTICE DATED MARCH 8, 2012  
AND MOTION FOR DISMISSAL WITHOUT PREJUDICE**

Opposer, The Alchemy Carta, Ltd. in response to the TTAB Notice dated March 8, 2012, hereby requests that the Opposition be voluntarily dismissed without prejudice pursuant to Rule 41(a) Fed.R.Civ.P. Over the past months, Opposer has investigated and determined that the Applicant's use of the mark, ALCHEMIST, is *de minimus*, and, thus, the continuation of opposition proceedings is not in the best economic interest of the Opposer, nor in the best interest of judicial effort by the TTAB.

Attempts by Opposer's counsel to communicate with Applicant's counsel over several months have not resulted in any response. In addition, attempts to contact the Applicant have also resulted in no responsive communication.

Appearing to Opposer that Applicant has made *de minimus* use of the mark in commerce, or abandoned use, Applicant concludes that continuation of opposition proceedings is not advisable.

WHEREFORE, Opposer requests and moves to dismiss the opposition proceeding without prejudice pursuant to Rule 41(a).

Respectfully submitted,

/s/ William L. Niro \_\_\_\_\_

William L. Niro

NIRO, HALLER & NIRO

181 W. Madison, Suite 4600

Chicago, IL 60602

(312) 236-0733

Fax: (312) 236-3137

[wniro@nshn.com](mailto:wniro@nshn.com)

*Attorneys for Opposer*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was electronically filed with the Trademark Trial and Appeal Board on March 13, 2012 and a copy of this paper has been served upon all parties, at their address of record by electronic transmission on this date.

/s/ William L. Niro

Attorneys for Opposer  
NIRO, HALLER & NIRO