

ESTTA Tracking number: **ESTTA712391**

Filing date: **12/03/2015**

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

Proceeding	91220132
Party	Defendant DiversiTech Corporation
Correspondence Address	W SCOTT CREASMAN TAYLOR ENGLISH DUMA LLP 1600 PARKWOOD CIR SE , STE 400 ATLANTA, GA 30339-2119 UNITED STATES trademarks@taylorenghish.com, screasman@taylorenghish.com
Submission	Other Motions/Papers
Filer's Name	W. Scott Creasman
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Date	12/03/2015
Attachments	00663491.PDF(89012 bytes)

**UNITED STATES TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

CATERPILLAR, INC.	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91220132
	:	Serial No. 86/067,988
	:	
DIVERSITECH CORPORATION	:	
	:	
Applicant.	:	
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**AMENDED EXPRESS ABANDONMENT OF APPLICATION
WITH WRITTEN CONSENT OF OPPOSER**

Applicant DiversiTech Corporation (“DiversiTech” or “Applicant”), pursuant to TMEP 718.01 and 37 C.F.R. §2.135, and in accordance with the parties’ written settlement agreement, filed its express abandonment of its DRAIN KAT application (U.S. Serial No. 86/067,988) on November 17, 2015. The filed abandonment included the accurate statement that that Opposer Caterpillar, Inc. consented to the express abandonment of the DRAIN KAT application (U.S. Serial No. 86/067,988), but did not contain the written consent of Opposer.

Opposer, as the only party to this proceeding other than the Applicant, hereby provides its written consent, by and through its counsel of record as set forth below.

Based on the foregoing, DiversiTech respectfully requests that the Board approve Applicant’s express abandonment of the U.S. Serial No. 86/067,988 application.

Respectfully submitted, December 3, 2015.

Counsel for Applicant
DiversiTech Corporation

/s/W. Scott Creasman

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Consented to on behalf of Opposer
Caterpillar, Inc. by Counsel for Opposer
Caterpillar, Inc.:

/s/Christopher P. Foley

Christopher P. Foley
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing AMENDED EXPRESS ABANDONMENT OF APPLICATION WITH WRITTEN CONSENT OF OPPOSER has been served on Opposer's counsel of record via email by agreement of counsel to:

Christopher P. Foley
christopher.foley@finnegan.com
Laura K. Johnson
Laura.Johnson@finnegan.com

December 3, 2015

s/W. Scott Creasman

W. Scott Creasman

Attorney for Counsel for Applicant
DiversiTech Corporation

CERTIFICATE OF TRANSMITTAL

I hereby certify that the foregoing EXPRESS ABANDONMENT OF APPLICATION is being filed electronically with the Board via ESTTA on December 3, 2015.

s/W. Scott Creasman/

W. Scott Creasman

Attorney for Counsel for Applicant
DiversiTech Corporation