

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

FIVE Y CLOTHING, INC.,

Petitioner,

v.

PAUL FRANK INDUSTRIES, INC.,

Respondent.

CANCELLATION No.: 92,042,849

REGISTRATION No.: 2,325,420

MARK: DESIGN (to wit, Monkey Head)

DATE OF ISSUANCE: 7 March 2000

CLASSES: 18 and 25

TTAB

**STIPULATION OF DISMISSAL OF CANCELLATION PROCEEDING**

IT IS HEREBY STIPULATED AND AGREED, by Petitioner, Five Y Clothing, and Respondent, Paul Frank Industries, Inc., by and between their respective undersigned counsel, to voluntarily dismiss, with prejudice, the above-captioned Cancellation Proceeding, pursuant to Rule 2.116, T.M.R.P. and Rule 41 (a) (1)(ii), Fed. R. Civ. P. All parties shall bear their own respective Attorneys' fees, costs, expenses and disbursements.

Respectfully submitted

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By: 

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October 13, 2004

Honorable Commissioner of Patents & Trademarks  
Assistant Comm. For Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
TTAB- FEE

**Re: FIVE Y CLOTHING, INC. v. PAUL FRANK INDUSTRIES, INC.;**  
**INTER PARTES CANCELLATION PROCEEDING BEFORE TTAB OF USPTO**

Honorable Sirs:

In connection with the below-listed *inter partes* Cancellation Proceeding, kindly find enclosed herewith the Voluntary Dismissal document:

Cancellation Proceeding No. 92,042,849  
(Reg. No. 2,325,420) DESIGN (MONKEY HEAD)

The Tribunal's time, consideration of and cooperation in the foregoing matter greatly has been appreciated.

Respectfully submitted  
SILVER, GARVETT & HENKEL, P.A.

By: 

IRA COHEN, ESQ., Counsel for Petitioner

IC/ns

Enclosure

cc: Rod S. Berman, Esq. (w/enclos.), Counsel for Respondent  
John D. Guerrini, Esq. (w/enclos.)  
Mark Shaffer, Esq., Kmart (w/enclos.)  
Arnie Krause, CFO, Five Y (w/enclos.)  
Allen Grodsky, Esq. (w/enclos.)  
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