

ESTTA Tracking number: **ESTTA166545**

Filing date: **10/03/2007**

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

Proceeding	92045068
Party	Plaintiff Kohler Co.Kohler Co.
Correspondence Address	Scott W. Johnston Merchant & Gould P.C. P.O. Box 2910 Minneapolis, MN 55402-9944 UNITED STATES sjohnston@merchantgould.com, slindemeier@merchantgould.com
Submission	Withdrawal of Cancellation
Filer's Name	Scott W. Johnston
Filer's e-mail	sjohnston@merchantgould.com, slindemeier@merchantgould.com
Signature	/SWJ/
Date	10/03/2007
Attachments	2007 10 03 Stipulated Dismissal With Prejudice.PDF ( 3 pages )(28767 bytes )

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

_____	)	
Kohler Co.,	)	Cancellation No. 92045068
	)	
Petitioner,	)	Mark: <b>HATTERAS</b>
	)	
v.	)	Registration No. 2,799,452
	)	
American Standard International Inc.,	)	
	)	
Registrant.	)	
_____	)	

**STIPULATED DISMISSAL WITH PREJUDICE**

Petitioner, Kohler Co., through counsel, hereby stipulates to the dismissal of the above-referenced cancellation proceeding, with prejudice.

KOHLER CO.

By its attorneys,

Dated 10-3-07

  
\_\_\_\_\_  
Scott W. Johnston  
MERCHANT & GOULD P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, MN 55402-2215  
Telephone: (612) 332-5300

Registrant, American Standard International Inc., through counsel, hereby consents to the dismissal of Cancellation No. 92045068 regarding Registration No. 2,799,452, with prejudice.

AMERICAN STANDARD  
INTERNATIONAL INC.

By its attorneys,

Dated 10/3/07




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Edgar H. Haug  
James K. Stronski  
Magali Rozenfeld  
FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151  
Telephone: (212) 588-0800

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing STIPULATED DISMISSAL WITH PREJUDICE was served upon the following attorney of record for Registrant by First Class Mail, this 3<sup>rd</sup> day of October, 2007:

Magali Rozenfeld  
FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151

  
\_\_\_\_\_  
Scott W. Johnston