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Filing date: **01/24/2006**

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

Proceeding	92045106
Party	Plaintiff CJB Industries, Inc.
Correspondence Address	Mitchell A. Tuchman Womble Carlyle Sandridge & Rice, PLLC P.O. Box 13069 Research Triangle Park, NC 27709  trademarksrtp@wcsr.com
Submission	Withdrawal of Cancellation
Filer's Name	Mitchell A. Tuchman
Filer's e-mail	trademarksrtp@wcsr.com
Signature	/Mitchell A. Tuchman/
Date	01/24/2006
Attachments	ACTIVATE Withdrawal.pdf ( 3 pages )

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

In the matter of Trademark Registration No. 0821,821  
For the Mark **ACTIVATE**

CJB INDUSTRIES, INC. )

Petitioner, )

v. )

PACE INTERNATIONAL, LLC )

Registrant. )

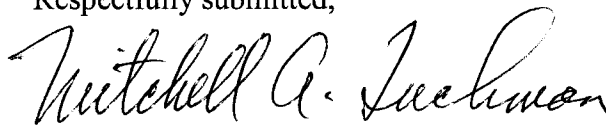
**OPPOSITION NO. 92045106**

**NOTICE OF WITHDRAWAL OF CANCELLATION**

Petitioner CJB INDUSTRIES, INC. ("Petitioner"), by and through its undersigned counsel, hereby withdraws the above-referenced Cancellation. Registrant has assigned the above referenced registration to Petitioner, as evidenced by the assignment document attached. Accordingly, and pursuant to TBMP § 601.02, Petitioner requests that this withdrawal of the cancellation be entered without prejudice.

This the 23<sup>rd</sup> day of January, 2006.

Respectfully submitted,



Mitchell A. Tuchman

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

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Research Triangle Park, NC 27709

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**CERTIFICATE OF SERVICE**

I do hereby certify that on January 24, 2006, I filed via electronic means (ESTTA) this  
NOTICE OF WITHDRAWAL OF CANCELLATION with the:

U. S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

With a copy via First Class mail to:

Louis Treiger, Esq.  
2101 Fourth Street  
Suite 1030, MS. 151  
Seattle WA 98121

  
Carolyn B. Rainbow, Paralegal

## ASSIGNMENT

THIS ASSIGNMENT, effective as of the date shown below, is from Pace International, LLC, a Washington limited liability company ("Assignor"), to CJB Industries, Inc., a Georgia corporation ("Assignee").

### RECITALS

WHEREAS, Assignor desires to assign to Assignee all right, title and interest in and to the trademark ACTIVATE (the "Mark") and the related United States trademark registration, U.S. Reg. No. 0821821, together with any and all goodwill of the business associated with the Mark; and

WHEREAS, Assignee desires to acquire the Mark and all goodwill of the business associated therewith from Assignor; and

WHEREAS, Assignor and Assignee desire to confirm of record the assignment of the Mark to Assignee;

NOW, THEREFORE, for \$250.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. Assignor hereby assigns to Assignee all right, title and interest in and to the Mark, together with (i) the goodwill of the business symbolized by the Mark and (ii) all causes of action, claims and demands and other rights for, or arising from, any infringement, including past infringements, of the Mark.

2. Assignor further agrees without additional consideration but at no out-of-pocket cost to Assignor, to cause to be performed such other lawful acts and to be executed such further assignments and other lawful documents as Assignee may from time to time reasonably request to effect fully this Assignment and to permit Assignee to be duly recorded as the registered owner of the Mark and all other rights hereby conveyed.

IN WITNESS WHEREOF, the parties have caused this Assignment to be duly executed by their respective authorized officers, all as of the day and year first above written.

PACE INTERNATIONAL, LLC

By: \_\_\_\_\_

Title

Date

CJB INDUSTRIES, INC.

By: \_\_\_\_\_

Title