

ESTTA Tracking number: **ESTTA266686**

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

Proceeding	92046103
Party	Plaintiff SmartLabs, Inc.
Correspondence Address	Kimberly A. Eckhart Winston & Strawn LLP 101 California Street, 39th Floor San Francisco, CA 94111 UNITED STATES keckhart@winston.com,trademarkssf@winston.com
Submission	Withdrawal of Cancellation
Filer's Name	Kimberly A. Eckhart
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Signature	/Kimberly A. Eckhart/
Date	02/13/2009
Attachments	SmartHomed.pdf (3 pages)(69773 bytes)

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

In the Matter of U.S. Registration No. 2,909,454
For the Mark: SMARTHOME & Design
Registered: December 14, 2004
Registrant: BSH Bosch und Siemens Hausgerate GmbH

SmartLabs, Inc.

Petitioner,

v.

BSH Bosch und Siemens Hausgerate GmbH,

Registrant.


Cancellation No. 92046103

PETITIONER'S WITHDRAWAL OF PETITION TO CANCEL

Pursuant to Rule 2.114(c) of the Trademark Rules of Practice and Trademark Trial and Appeal Board Manual of Procedure § 601.02, Petitioner SmartLabs, Inc. hereby withdraws its Petition to Cancel (Cancellation No. 92046103) without prejudice. Attached is the written consent to such withdrawal of Registrant BSH Bosch und Siemens Hausgerate GmbH's attorney.

Dated: San Francisco, California
February 13, 2009

By:



Kimberly A. Eckhart
keckhart@winston.com

WINSTON & STRAWN LLP
101 California Street, 39th Floor
San Francisco, California 94111-5894
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Attorneys for Petitioner
SmartLabs, Inc.

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

In the Matter Of: Trademark Registration No. 2,909,454 for the mark SMART HOME AND
DESIGN in the United States

SMARTLABS, INC.

Petitioner,

v.

BSH BOSCH UND SIEMENS HAUSEGERATE GMBH:

Respondent.


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Cancellation No. 2909454

RESPONDENT'S CONSENT TO WITHDRAWAL OF CANCELLATION ACTION

Respondent, BSH Bosch und Siemens Hausgerate GmbH, hereby
consents to the withdrawal of the Petition to Cancel Registration No. 2909454 without
prejudice.

Respectfully submitted,



MARIE-ANNE MASTROVITO

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE
NEW YORK, NEW YORK 10017
(212) 949-9022

Date: February 4, 2009

Attorneys for Respondent

In the Matter of U.S. Registration No. 2909454
For the Mark: SMARTHOME & Design
Registered: December 14, 2004
Cancellation No. 92046103
Corrected Certificate of Mail Service

CERTIFICATE OF MAIL SERVICE

I hereby certify that the foregoing Petitioner's Withdrawal Of Petition To Cancel was deposited with the U.S. Postal Service by First Class Mail on February 13, 2009 in an envelope addressed to:

Marie-Anne Mastrovito
Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017
Attorneys for Registrant



Sandra Blanchard