

ESTTA Tracking number: **ESTTA353422**

Filing date: **06/17/2010**

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

Proceeding	92049292
Party	Plaintiff Sportade Corporation ehf
Correspondence Address	Mitchell D. Bernstein Moses & Singer LLP 405 Lexington Avenue New York, NY 10174 UNITED STATES mbernstein@mosessinger.com
Submission	Motion to Dismiss - Rule 12(b)
Filer's Name	Mathew P. Moore
Filer's e-mail	mmore@mosessinger.com, lbuchanan@mosessinger.com
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Date	06/17/2010
Attachments	Motion & Service.pdf ( 2 pages )(89553 bytes )

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


-----X  
SPORTADE CORPORATION ehf. :  
 :  
 Petitioner, : Cancellation No.: 92049292  
 : (Registration No.: 876,371)  
 v. :  
 :  
 ARAX BALAKIAN, :  
 :  
 Respondent. :  
----- X

**MOTION TO WITHDRAW PETITION TO CANCEL**

Petitioner hereby requests the Petition to Cancel be withdrawn without prejudice. Petitioner and Respondent have executed a Co-Existence Agreement, a true and accurate copy of which will be filed confidentially as Exhibit A.

Petitioner notes that Perman & Green, LLP are the current attorneys of record for the above-captioned action. Attorneys for Petitioner have been informed by Perman & Green, LLP that they no longer represent Arax Balakian with respect to the SPORTADE mark. A true and accurate copy of an email confirming this statement will be filed confidentially as Exhibit B. Petitioner, therefore, also requests clarification as to Respondent's representation.

Dated: June 17, 2010  
New York, New York

MOSES & SINGER LLP  
By:   
Matthew P. Moore  
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*Attorneys for Petitioner  
Sportade Corporation ehf.*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the **Motion To Withdraw Petition To Cancel** was served on upon the following on this, the 17<sup>th</sup> day of June 2010, via First Class Mail, postage prepaid to:

Arax Balakian  
57 Crabtree Lane  
Tenafly, NJ 07670

and

Joseph V. Gamberdell, Jr.  
Perman & Green LLP  
99 Hawley Lane  
Stratford, CT 06614

  
\_\_\_\_\_  
Laurie Buchanan