

ESTTA Tracking number: **ESTTA257196**

Filing date: **12/23/2008**

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

Proceeding	92049561
Party	Plaintiff Quiksilver, Inc.
Correspondence Address	Mark A. Finkelstein Latham & Watkins LLP 650 Town Center Drive, Suite 2000 Costa Mesa, CA 92626 UNITED STATES ipdocket@lw.com
Submission	Other Motions/Papers
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Date	12/23/2008
Attachments	92049561.pdf ( 2 pages )(47094 bytes )

I hereby certify that this correspondence is being submitted electronically via the U.S. Patent and Trademark Office's Electronic System for Trademark Trials and Appeals ("ESTTA") web link <http://esta.uspto.gov/> on December 23, 2008.

  
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Anna T. Kwan

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

Quiksilver, Inc.,	)	Cancellation No.: 92049561
a Delaware corporation,	)	
	)	In re the Registration of ESPN, Inc.
Petitioner,	)	Mark: <b>WINTER X GAMES</b>
v.	)	Registration No.: 2,312,118
	)	Registration Date: January 25, 2000
ESPN, Inc.,	)	
a Delaware corporation,	)	
	)	
Respondent.	)	

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**WITHDRAWAL OF CANCELLATION ACTION (WITHOUT PREJUDICE)**

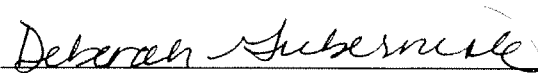
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

A Settlement Agreement has been entered into by and between Quiksilver, Inc., ("Petitioner") and ESPN, Inc., ("Respondent"). Pursuant to the Agreement and in accordance with 37 CFR § 2.114(c), TBMP § 601.02, Petitioner hereby withdraws without prejudice its cancellation action against Trademark Registration No. 2,312,118 for the mark **WINTER X GAMES**.

Each party to the Cancellation Action shall bear its own attorney's fees and costs in this proceeding.

Respectfully submitted,  
  
LATHAM & WATKINS LLP

Dated: 12/23/08

By:   
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Attorneys for Petitioner  
Quiksilver, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing **WITHDRAWAL OF CANCELLATION ACTION (WITHOUT PREJUDICE)** upon Respondent's counsel by depositing one copy thereof in the United States Mail, postage prepaid, on December ~~23~~2, 2008 addressed as follows:

Richard P. Flaggert, Esq.  
Nixon Peabody LLP  
1100 Clinton Square  
Rochester, NY 14604



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Anna T. Kwan