

ESTTA Tracking number: **ESTTA267360**

Filing date: **02/18/2009**

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

| | |
|------------------------|--|
| Proceeding | 92049810 |
| Party | Plaintiff Tornier, Inc. |
| Correspondence Address | Stephen R. Baird Winthrop & Weinstine, P.A. 225 South Sixth Street, Suite 3500 Minneapolis, MN 55402 UNITED STATES sbaird@winthrop.com, dkelly@winthrop.com, trademark@winthrop.com, jrezac@winthrop.com |
| Submission | Withdrawal of Cancellation |
| Filer's Name | Daniel J. Kelly |
| Filer's e-mail | sbaird@winthrop.com, dkelly@winthrop.com, jrezac@winthrop.com, trademark@winthrop.com |
| Signature | /Daniel J. Kelly/ |
| Date | 02/18/2009 |
| Attachments | REVERSE Withdrawal.pdf (2 pages)(84792 bytes) |

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

In the matter of Registration Nos.: 2,750,144 and 2,859,530
Registration Dates: August 12, 2003 and July 6, 2004
For the marks: REVERSE and REVERSE (Stylized)

Tornier, Inc.,

Petitioner,

v.

Cancellation No. 92/049,810

Encore Medical Asset Corporation,


Registrant.

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

WITHDRAWAL OF CANCELLATION WITHOUT PREJUDICE

The parties have reached an agreement. Because the Registrant has not yet Answered and because the Registrant consents, Petitioner withdraws the instant Cancellation of Registration No. 2,750,144 and Registration No. 2,859,530 without prejudice.

Date: February 18, 2009

By: 
Stephen R. Baird
Daniel J. Kelly
225 South Sixth Street
Suite 3500
Minneapolis, Minnesota 55402
(612) 604-6400 (Telephone)
(612) 604-6800 (Facsimile)
Attorneys for Federal Cartridge Company

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CERTIFICATE OF SERVICE BY MAIL

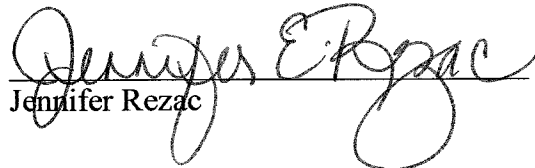
STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Jennifer Rezac, of the City of Minneapolis, County of Hennepin, in the State of Minnesota, being duly sworn, says that on the 18th day of February, 2009, she mailed by First Class mail, a true and correct copy of the

1. Withdrawal of Cancellation without Prejudice

in the above-captioned action to the following at the last known address, to-wit:

Julie L. Dalke
Latham & Watkins LLP
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626-1925


Jennifer Rezac

Subscribed and sworn to before me
This 18th day of February, 2009.



NOTARY PUBLIC

