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Filing date: **06/05/2013**

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

Proceeding	92056436
Party	Defendant Destineer Publishing Corp.
Correspondence Address	Z PETER SAWICKI WESTMAN CHAMPLIN & KELLY PA 900 SECOND AVENUE SOUTH, SUITE 1400 MINNEAPOLIS, MN 55402-3319 UNITED STATES psawick@wck.com, aprose@wck.com
Submission	Other Motions/Papers
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Date	06/05/2013
Attachments	2013_06_05_Opposition_Withdrawal_Cancellation.pdf(86757 bytes)

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

**In the matter of Trademark Registration No. 3,664,725 for the STOKED Mark
Registration Date August 4, 2009**

_____)	
NSM Resources Corporation,)	
)	
Petitioner,)	Petition No. 92056436
)	
v.)	
)	
)	
Destineer Publishing Corporation,)	
Registrant.)	
_____)	

**REGISTRANT’S OPPOSITION TO PETITIONER’S WITHDRAWAL OF
CANCELLATION WITHOUT PREJUDICE**

Registrant Destineer Publishing Corporation (“Registrant”) respectfully requests the Board deny the Withdrawal of Cancellation submitted by Petitioner NSM Resources Corporation (“Petitioner”) on May 27, 2013.

According to 37 CFR § 2.114(c) a “petition for cancellation may be withdrawn without prejudice before the answer is filed. After the answer is filed, the petition may not be withdrawn without prejudice except with the written consent of the registrant”.

Registrant timely filed an answer to the present cancellation proceeding on December 18, 2012 concurrently with the Motion to Dismiss. Further, as Registrant timely and properly filed its answer and Registrant does not consent to withdrawal of this cancellation without prejudice by Petitioner.

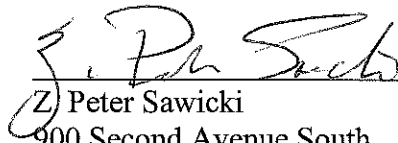
Registrant respectfully requests the Board grant Registrant's Motion to Dismiss filed on December 18, 2012 and dismiss this proceeding, with prejudice.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

Dated: _____

June 5, 2013



Z Peter Sawicki
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Suite 1400
Minneapolis, Minnesota 55402-3319
Telephone: 612-334-3222
Facsimile: 612-334-3312

**ATTORNEYS FOR REGISTRANT
DESTINEER PUBLISHING
CORPORATION**

CERTIFICATE OF SERVICE

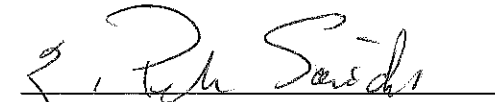
I hereby certify that I represent Registrant Destineer Publishing Corporation and that on June 5, 2013, a copy of the following document:

I. REGISTRANT'S OPPOSITION TO PETITIONER'S WITHDRAWAL OF CANCELLATION WITHOUT PREJUDICE

Was sent via First Class Mail, postage prepaid to:

Zane Murdock
President
NSM RESOURCES CORPORATION
516 Fowler Avenue
Pelham, NY 10803

I certify under penalty of perjury that the forgoing is true and correct. Executed on June 5, 2013.


Peter Sawicki