

ESTTA Tracking number: **ESTTA870801**

Filing date: **01/12/2018**

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

Proceeding	92066110
Party	Plaintiff RTIC Drinkware, LLC
Correspondence Address	ELIZABETH E BRECKMAN FISH & RICHARDSON PC PO BOX 1022 MINNEAPOLIS, MN 55440 UNITED STATES Email: tmdoctc@fr.com, oconnell@fr.com, musselman@fr.com, breckman@fr.com
Submission	Withdrawal of Petition to Cancel
Filer's Name	Elizabeth E. Brenckman
Filer's email	tmdoctc@fr.com, breckman@fr.com, benedict@fr.com, ly@fr.com, musselman@fr.com
Signature	/Elizabeth E. Brenckman/
Date	01/12/2018
Attachments	Withdrawal of Cancellation with Prejudice.pdf(212447 bytes)

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

In the matter of Reg. Nos. 4,366,242 and 5,118,514

RTIC DRINKWARE, LLC,

Petitioner,

v.

**CAN'T LIVE WITHOUT IT, LLC,
D/B/A S'WELL BOTTLE,**

Registrant.

Cancellation No.: 92066110

WITHDRAWAL OF CANCELLATION WITH PREJUDICE

Petitioner RTIC Drinkware, LLC hereby withdraws its cancellation with prejudice, pursuant to 37 C.F.R. § 2.114(c) and Section 601.02 of the Trademark Trial and Appeal Board Manual of Procedure.

Dated: January 12, 2018

Respectfully submitted,

/s/ Elizabeth E. Brenckman

P. Weston Musselman, Jr.

Robert M. O'Connell, Jr.

Elizabeth E. Brenckman

FISH & RICHARDSON P.C.

P.O. Box 1022

Minneapolis, MN 55440-1022

Phone: (212) 765-5070

Fax: (212) 258-2291

Email: tmdoct@fr.com, oconnell@fr.com,

musselman@fr.com, brenckman@fr.com

**ATTORNEYS FOR PETITIONER
RTIC DRINKWARE, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 12, 2018 a true and complete copy of the foregoing was forwarded via electronic mail addressed to the following counsel of record for Can't Live Without It, LLC d/b/a S'well Bottle:

Monica B. Richman
Dentons US LLP
P.O. Box #061080
Chicago, Illinois 60606-1080
monica.richman@dentons.com
mary.mathew@dentons.com
trademarks.us@dentons.com
ian.farias@dentons.com

/s/ Elizabeth E. Brenckman
Elizabeth E. Brenckman