

ESTTA Tracking number: **ESTTA997371**

Filing date: **08/25/2019**

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

| | |
|------------------------|--|
| Proceeding | 92071028 |
| Party | Plaintiff DrTim's Aquatics, LLC |
| Correspondence Address | LAURA J WINSTON OFFIT KURMAN PA 10 EAST 40TH STREET NEW YORK, NY 10016 UNITED STATES trademarks@offitkurman.com, lwinston@offitkurman.com 347-589-8536 |
| Submission | Withdrawal of Petition to Cancel |
| Filer's Name | Laura J. Winston |
| Filer's email | trademarks@offitkurman.com, lwinston@offitkurman.com, alison.pratt@offitkurman.com |
| Signature | /Laura J. Winston/ |
| Date | 08/25/2019 |
| Attachments | Withdrawal of Petition to Cancel.pdf(97974 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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|--------------------------|---|----------------------------|
| DRTIM'S AQUATICS, LLC, |) | |
| |) | |
| |) | Cancellation No. 92071028 |
| |) | |
| Petitioner; |) | |
| |) | Mark: REFRESH |
| |) | Registration No. 3122271 |
| |) | Registered: August 1, 2006 |
| v. |) | |
| |) | |
| AG CONCEPTS CORPORATION, |) | |
| |) | |
| Respondent. |) | |
| |) | |
| |) | |

WITHDRAWAL OF PETITION TO CANCEL

Pursuant to TBMP § 605.03(a), and in accordance with the Trademark Settlement Consent Agreement settling the cancellation action entered into between the parties, Petitioner DRTIM'S AQUATICS, LLC hereby withdraws the above-captioned Petition to Cancel with prejudice.

Respectfully submitted,

OFFIT KURMAN, P.A.

Dated: August 25, 2019

By /Laura J. Winston/

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Withdrawal of Petition to Cancel has been served on Respondent AG Concepts Corporation at its email address of record this 25th day of August, 2019.

/Laura J. Winston/

Laura J. Winston

4835-3663-0690, v. 1