

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

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Mailed: May 10, 2012

Opposition No. 91178758
(parent case)
Opposition No. 91192099

McDonald's Corporation

v.

McSweet LLC

On April 23, 2012, applicant/counterclaim petitioner, without the written consent of opposer/counterclaim respondent, filed a withdrawal of the petition for cancellation filed in Opposition No. 91192099 with prejudice.

Trademark Rule 2.114(c) provides that after an answer is filed, the petition for cancellation may not be withdrawn without prejudice except with the written consent of respondent.

In view thereof, and because the withdrawal was filed after answer, the petition for cancellation is dismissed with prejudice.¹

¹ The parties' stipulated motion to admit discovery depositions of non-party witnesses, filed July 11, 2011, is noted and is approved in these consolidated proceedings.

In view of the withdrawal of the counterclaim, the remaining schedule, as set forth in the parties' March 20, 2012 stipulation requires amendment. Accordingly, remaining testimony dates are hereby reset as follows:

Defendant's 30-day Trial Period Ends	5/4/2012
Plaintiff's Rebuttal Disclosures due	5/19/2012
Plaintiff's 15-day Rebuttal Period Ends	6/18/2012

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

***By the Trademark Trial
and Appeal Board***