

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Johnson

Mailed: October 31, 2002

Cancellation No. 92032795

MID-CITY BOWLING LANES &
SPORTS PALACE

v.

EDWIN C. SKUFCA

On July 1, 2002, respondent/petitioner filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 2418711 and, on July 29, 2002, a withdrawal of the counterclaim.

Trademark Rule 2.134(a) provides that if the respondent in a cancellation proceeding applies to cancel its involved registration under Section 7(e) without the written consent of every adverse party to the proceeding, judgment shall be entered against respondent. In addition, Trademark Rule 2.114(c) provides, in part, that after the answer is filed the petition may not be withdrawn without prejudice except with the written consent of the registrant or the registrant's attorney or other authorized representative.

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In view thereof, and because petitioner/respondent's written consent to the voluntary surrender and withdrawal is not of record, judgment is hereby entered against respondent, the petition to cancel is granted; Registration No. 2418711 will be cancelled in due course and; the counterclaim is dismissed with prejudice.

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