

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

**Ricks**

Mailed: December 10, 2002

Cancellation No. 92040052

BARNSTEAD/THERMOLYNE  
CORPORATION

v.

STERILE TECHNOLOGY  
INDUSTRIES, INC.

***Rochelle Ricks, Paralegal Specialist:***

On November 4, 2002, petitioner filed a withdrawal of the petition to cancel in lieu of a consent agreement with an allegation of respondent's "consent."

Trademark Rule 2.114(c) provides that after an answer is filed, the petition to cancel may not be withdrawn without prejudice except with the **written** consent of applicant.

In view thereof, petitioner is allowed **thirty days** from the mailing date of this order in which to submit respondent's written consent to the withdrawal, failing which the petition to cancel will be dismissed with prejudice.