

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

Mailed: July 10, 2002

Cancellation No. 92040213

ZEEKS, INC.

v.

RICHARD DALE CHRISTY AND
BETTY ANN CHRIS

David Mermelstein, Attorney:

On June 20, 2002, petitioner, without the written consent of respondent, filed a "motion to dismiss proceeding pursuant to Trademark Rule 2.114(c)," which we construe as a withdrawal of the petition.

As petitioner notes, Trademark Rule 2.114(c) provides that after an answer is filed, the petition may not be withdrawn without prejudice except with the written consent of respondent.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

By the Trademark Trial

and Appeal Board