

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

Johnson

Mailed: October 28, 2002

Cancellation No. 92040799

SPECIALIZED BICYCLE
COMPONENTS, INC.

v.

APPLEBY, ANDREW D.

Respondent's answer and voluntary surrender (filed August 29, 2002) of its Registration No. 2465106 and, the stipulation to dismiss the petition to cancel without prejudice (filed October 15, 2002) are noted.¹

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.

However, given the close proximity of the filings, the Board will presume that the parties intended the filings as a complete disposition of this proceeding.

¹The Board also notes that petitioner attached a copy of registrant's voluntary surrender with its petition to cancel.

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Accordingly, the petition to cancel is dismissed without prejudice and Registration No. 2465106 will be cancelled in due course.

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