

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

al/jmbk

Mailed: April 11, 2007

Cancellation No. 92044835

MCLAUGHLIN GORMLEY KING

COMPANY

v.

AGRIGUARD COMPANY, LLC

On February 19, 2007, petitioner filed a withdrawal of the petition to cancel in accordance with the parties' settlement agreement. Such withdrawal was filed without the written consent of respondent.

Trademark Rule 2.114(c) provides that after an answer is filed, the petition to cancel may not be withdrawn without prejudice except with the **written** consent of respondent.

In view thereof, and because the withdrawal was filed after the answer, the petition to cancel is dismissed with prejudice.

*By the Trademark Trial
and Appeal Board*