

Cancellation No. 92045343

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

MCF

Mailed: February 21, 2008

Cancellation No. 92045343

Erica Curtis

v.

Pacific Coast Feather  
Company

**M. Catherine Faint,  
Interlocutory Attorney:**

On January 28, 2008, petitioner filed a withdrawal of the petition to cancel.<sup>1</sup>

However, Trademark Rule 2.114(c) provides that after an answer is filed, the petition to cancel may not be withdrawn without prejudice except with the **written** consent of respondent. It is unclear from the parties' settlement agreement whether respondent consents to the withdrawal of the petition to cancel with or without prejudice.

In view thereof, petitioner is allowed thirty days from the mailing date of this order in which to submit respondent's

---

<sup>1</sup> A copy of the parties' settlement agreement was filed on April 17, 2007. While the parties filed a copy of their settlement agreement, the Board prefers a stipulation signed by both parties stating the desired disposition of the proceeding (i.e., "It is hereby stipulated that the petition to cancel be sustained," "It

Cancellation No. 92045343

written consent to the withdrawal, failing which the petition to cancel will be dismissed with prejudice.

\*\*\*

---

is hereby stipulated that the petition to cancel be dismissed with prejudice."). See TBMP § 605.03(a).