

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

Am/al

Mailed: April 1, 2009

Cancellation No. 92047162

Fresh Express Incorporated

v.

Supreme Oil Company

Petitioner, without the written consent of respondent, filed a withdrawal of the petition for cancellation on March 31, 2009.

Trademark Rule 2.114(c) provides that after an answer is filed, the petition for cancellation may not be withdrawn without prejudice except with the written consent of respondent.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.¹

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

¹ All pending matters are deemed moot.