

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

am

Mailed: November 1, 2007  
Cancellation No. 92047162  
Fresh Express Incorporated  
v.  
Supreme Oil Company

Cindy B. Greenbaum, Attorney:

This proceeding was filed on February 14, 2007, and instituted on March 2, 2007. Registrant filed its answer to the petition to cancel on April 11, 2007.

Petitioner's amended petition to cancel, filed October 4, 2007 and respondent answer to the amended petition to cancel on October 18, 2007 are noted. Although petitioner did not file a motion for leave to file the amended petition to cancel, inasmuch as respondent filed an answer, rather than objecting thereto, the Board construes respondent's actions as respondent's consent to petitioner's filing of the amendment petition to cancel. Accordingly, the amended petition to cancel and the amended answer are accepted and made of record in this proceeding.

Trial dates remain as previously set.