

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

RR/BUTLER

Mailed: December 5, 2008

Cancellation No. 92048092

Fleming and Company,  
Pharmaceuticals

v.

H2OCEAN INC.

On *December 2, 2008*, respondent filed a voluntary surrender with prejudice under Section 7(e) of the Trademark Act of its Registration No. 3074033, with petitioner's written consent, and petitioner filed a withdrawal with prejudice of the petition to cancel, with respondent's written consent.

In view thereof, the petition to cancel is dismissed with prejudice in accordance with the parties' agreement, and the registration will be cancelled with prejudice in due course pursuant to Section 7(e) of the Trademark Act.

*By the Trademark Trial  
and Appeal Board*