

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

Winter/cv

Mailed: April 20, 2009

Cancellation No. 92048847

Safeway Inc.

v.

Eat Right Foods Limited

and

Cancellation No. 92049105

Eat Right Foods Limited

v.

Safeway Inc.

The Board notes that petitioner in each of these consolidated cancellation proceedings filed a stipulated withdrawal of the respective petitions to cancel with prejudice.¹ The stipulations state that the parties have reached an agreement in these matters.

¹ The Board also notes that respondent, who filed the stipulated withdrawal regarding proceeding No. 92049105, failed to provide proof of service of the stipulated withdrawal upon petitioner Eat Right Foods Limited as required by Trademark Rule 2.119, 37 C.F.R. 2.119, but that petitioner's withdrawal regarding cancellation No. 92048847 was served upon respondent. However, inasmuch as the stipulated withdrawal was executed by petitioner in No. 92049105 in accordance with settlement of this matter, and to expedite matters, a copy of respondent's submission regarding cancellation No. 92049105 will be forwarded to petitioner Eat Right Foods Limited along with this order. Strict compliance with the Trademark Rules is expected in future submissions to the Board.

Accordingly, cancellation proceeding Nos. 92048847 and 92049105 are dismissed with prejudice.

*By the Trademark Trial
and Appeal Board*