

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

RA

Mailed: June 22, 2010

Cancellation No. 92049490

Roman Bratasiuk

v.

Clarendon Hills Distribution
(S) Pte Ltd.

Frances S. Wolfson, Interlocutory Attorney:

On June 10, 2010, petitioner filed a withdrawal of the petition to cancel without respondent's written consent.

Trademark Rule 2.114(c) provides that after an answer is filed, the petition to cancel may not be withdrawn without prejudice except with the written consent of respondent. However, on June 7, 2010, petitioner had filed a copy of the parties' settlement agreement.¹ It is unclear from the parties' settlement agreement whether respondent consents to the withdrawal of the petition to cancel with or without prejudice.

¹ 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 dismissed with prejudice."). See TBMP § 605.03(a).

In view thereof, petitioner is allowed thirty days from the mailing date of this order in which to submit respondent's written consent to the withdrawal, failing which the petition to cancel will be dismissed with prejudice.