

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

jh

Mailed: April 14, 2009

Cancellation No. 92049816

Humana, Inc.

v.

LifeWise Health Plan of  
Washington

The Board's order of February 17, 2009 failed to state that U.S. Registration No. 2753784 would be cancelled with prejudice to respondent's right to register the same mark for the same services. The error is regretted.

On January 29, 2009, respondent filed a voluntary surrender with prejudice under Section 7(e) of the Trademark Act of its Registration No. 2753784, with petitioner's written consent.

In addition, the parties filed petitioner's withdrawal of the petition, without prejudice, with respondent's written consent.

In view thereof, the petition to cancel is dismissed without prejudice and Registration No. 2753784 will be cancelled in due course.

***By the Trademark Trial***

*and Appeal Board*