

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

AM/BUTLER

Mailed: February 4, 2009

Cancellation No. 92049956

David J. Deacy

v.

**David J. Deacy by assignment
from Mitch Endick by
assignment from Derek L.
Babcock**

It has come to the Board's attention that David J. Deacy is now the owner of Registration No. 2963259, the registration which is the subject matter of this proceeding. On January 27, 2009, petitioner filed a response to the notice of default dated December 29, 2008. Petitioner informed the Board of the assignments, recorded at Reels and Frames 3911/0141 and 3904/0685, respectively, entered into as part of settlement. In addition, petitioner stated that the cancellation is to be dismissed in accordance with settlement and in view of the assignment of Registration No. 2963259 to petitioner.

In view of the assignment to petitioner of the registration involved herein, the notice of default is hereby set aside, Mr. Deacy is recognized as both party plaintiff and

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party defendant, and the petition to cancel is dismissed as moot.

*By the Trademark Trial
and Appeal Board*