

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

VW

Mailed: February 7, 2011

Cancellation No. 92050305

Apex, LLC

v.

Apex Learning Inc.

**Linda Skoro, Interlocutory Attorney**

On February 2, 2011, respondent filed a "stipulated dismissal" signed only by respondent, pursuant to a settlement agreement.

Inasmuch as the "stipulated dismissal" was neither filed nor signed by petitioner, the dismissal is not properly before the Board and cannot be considered.

The parties are allowed until **thirty days** from the mailing date of this order to submit a stipulation signed by both parties, or a withdrawal of the petition to cancel filed by petitioner,<sup>1</sup> failing which the proceedings shall continue on the Board's November 2, 2010 order.

Proceedings otherwise remain suspended.

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<sup>1</sup> Parties are also free to file a copy of the settlement agreement in lieu of the above, if it is signed by both parties and provides for the withdrawal of the cancellation.