

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

vw

Mailed: January 21, 2010

Cancellation No. 92050401

Simply Sushi, LLC

v.

John Moriarty

On January 19, 2010, petitioner filed a withdrawal of the petition to cancel with prejudice.¹ In view thereof, the petition to cancel is dismissed with prejudice.

***By the Trademark Trial
and Appeal Board***

¹ The Board notes that petitioner's withdrawal filed on January 19, 2010 does not indicate proof of service upon respondent as required by Trademark Rule 2.119. In order to expedite matters, a copy is forwarded to respondent with its copy of the instant order.