

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

coggins

Mailed: January 12, 2012

Cancellation No. 92051757

Phoenix Trading Inc. dba
Americare Products, Inc.

v.

Loops, LLC

By the Board:

On June 22, 2011, petitioner, without the written consent of respondent, filed a withdrawal of the cancellation related to Registration No. 3430305.¹ Trademark Rule 2.114(c) provides that after an answer is filed, the petition for cancellation may not be withdrawn without prejudice except with the written consent of respondent. In view thereof, and because the withdrawal was filed after answer, the petition for cancellation is dismissed with prejudice as to Registration No. 3430305.

Inasmuch as the cancellation was previously dismissed as to Registration No. 3424838 (see Board order dated December 9,

¹ Although the withdrawal is riddled with errors it is clear that the withdrawal relates to Registration No. 3430305.

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2010, at fn.3), the cancellation will continue against Registration No. 3430304 only.²

Briefing dates remain as set under Trademark Rule 2.128(a)(1). In view thereof, petitioner's reply brief, if filed, is due no later than January 26, 2012.

An oral hearing will be set only upon request filed pursuant to Trademark Rule 2.129.

² Indeed, petitioner's main brief on the merits of the case (filed December 12, 2011) refers only to Registration No. 3430304.