

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

vw

Mailed: April 29, 2010

Cancellation No. 92051801

Tiny Turtle Learning Center

v.

Tub Productions, LLC

Petitioner, without the written consent of respondent, filed a withdrawal of the petition for cancellation on April 28, 2010.<sup>1</sup>

Trademark Rule 2.114(c) provides that after an answer is filed, the petition for cancellation may not be withdrawn without prejudice except with the written consent of respondent.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.

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

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<sup>1</sup> The Board notes that petitioner's withdrawal filed on April 28, 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.