

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

Winter/cv

Mailed: April 5, 2011

Cancellation No. 92051847

Oxford 2005 Holdings, LLC

v.

Baney Corporation

On December 13, 2010, petitioner filed a withdrawal of the petition to cancel with prejudice in accordance with the parties' Settlement and Co-Existence Agreement. On December 22, 2010, respondent voluntarily submitted its request to surrender its registration number 3600199 issued on March 31, 2009, for the mark OXFORD HOTELS, in accordance with the parties' Settlement and Co-Existence Agreement.¹

In view of the foregoing, the petition to cancel is dismissed with prejudice in accordance with the parties' Settlement and Co-Existence Agreement. The surrendered

¹ The Board treats respondent's submission of its surrender of U.S. Reg. No. 3600199, in accordance with the parties' Settlement and Co-Existence Agreement, as respondent's written consent to petitioner's withdrawal of the petition to cancel. Cf. Trademark Rule 2.114(c), 37 C.F.R. § 2.114(c). Likewise, petitioner's submission of its withdrawal of the petition to cancel is treated as its written consent to respondent's surrender of one of three of the involved registrations. Cf. Trademark Rule 2.134(a), 37 C.F.R. § 2.134(a).

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registration, U.S. Reg. No. 3600199, will be cancelled in due course pursuant to Section 7(e) of the Trademark Act.

*By the Trademark Trial
and Appeal Board*