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Filing date: **06/03/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92056702
Party	Plaintiff Xan Confections, Inc.
Correspondence Address	DAVID G DUCKWORTH RUSSO & DUCKWORTH LLP 9090 IRVINE CENTER, SECOND FLOOR IRVINE, CA 92618 UNITED STATES dduckworth@russoandduckworth.com
Submission	Withdrawal of Cancellation
Filer's Name	David G. Duckworth
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Signature	/David G. Duckworth/
Date	06/03/2013
Attachments	PetitionToWithdrawal.pdf(9390 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Xan Confections, Inc. (a California Corporation), Petitioner, v. TA-XAN AG, (a German Corporation) Registrant.	Petition to Cancel No.: 92056702 Registration Serial No: 4,014,834 Date registered: August 23, 2011 Mark: XAN
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PETITION TO WITHDRAWAL

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

Pursuant to the terms of a settlement reached between Petitioner Xan Confections, Inc., and Registrant TA-XAN AG, and with written consent of Registrant TA-XAN AG, Petitioner withdraws without prejudice its Petition to Cancel U.S. Trademark Registration No. 4,014,834.

Pursuant to the settlement, TA-XAN AG has agreed to amend its registration to remove “confectionary chips for baking, candy, chocolate” from International Class 30 of its registration. It is anticipated that this amendment will take place in the next few days. Meanwhile, Petitioner Xan Confections, Inc., has agreed to withdrawal its current Petition for Cancellation of Registration No. 4,014,834. Since Registrant has not filed its Answer, this withdrawal is believed to comply with the provisions of 37 C.F.R. §2.106(c).

By: /David G. Duckworth/
David G. Duckworth
Registration No. 39,516
Attorney for Petitioner Xan Confections, Inc.
Telephone: (949) 724-1255

Date: June 3, 2013

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITION TO WITHDRAWAL** has been served on John J. Arnott, P.C.; and Patricia Q. Hu, counsel for Opposer, on June 3, 2013 via facsimile at (972) 479-0464, and via First Class Mail, postage prepaid to:

Mr. John J. Arnott, P.C.
Mrs. Patricia Q. Hu
Howison & Arnott, LLP
Two Lincoln Center
5420 LBJ Freeway, Suite 660
Dallas, TX 75240-2318

By: /Keisha Vidrio/
Keisha Vidrio

Date: June 3, 2013

CERTIFICATE OF TRANSMITTAL

I hereby certify that the foregoing **PETITION TO WITHDRAWAL** is being filed electronically with the TTAB via ESTTA on June 3, 2013.

/David G. Duckworth/
David G. Duckworth

Attorney for Petitioner Xan Confections, Inc.