

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

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Mailed: November 18, 2013

Cancellation No. 92056915

Mophie, Inc.

v.

Simply Mac, Inc.

The Board's order mailed November 15, 2013 is hereby vacated in replaced with the following.

On October 18, 2013, respondent filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 4095384.¹

Trademark Rule 2.134(a) provides that if the respondent in a cancellation proceeding applies to cancel its involved registration under Section 7(e) without the written consent of every adverse party to the proceeding, judgment shall be entered against respondent.

¹Registrant's motion filed October 18, 2013 fails to indicate proof of service on petitioner, as required by Trademark Rule 2.119. In order to expedite this matter, a copy of the (October 18, 2013) paper is forwarded herewith to petitioner counsel.

Cancellation No. 92056915

In view thereof, and because petitioner's written consent to the voluntary surrender is not of record, judgment is hereby entered against respondent, the petition to cancel is granted, and Registration No. 4095384 will be cancelled in due course.

*By the Trademark Trial
and Appeal Board*