

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: May 19, 2015

Cancellation No. 92057518

The George Nelson Foundation

v.

Empire IP Holdings LLC

Karl Kochersperger, Paralegal Specialist:

The Board notes that Respondent has permitted the registration involved in this proceeding to be cancelled under Section 8 of the Trademark Act.

In view thereof, Respondent is allowed until twenty days from the date of this order to show cause why such cancellation should not be deemed to be the equivalent of a cancellation by request of Respondent without the consent of the adverse party, and should not result in entry of judgment against Respondent as provided by Trademark Rule 2.134(a). In the absence of a showing of good and sufficient cause, judgment may be entered against Respondent. *See* Trademark Rule 2.134(b).

If, in response to this order, Respondent submits a showing that the failure to file a Section 8 affidavit was the result of inadvertence or mistake, judgment will not be entered against it. In that case, Petitioner will be allowed time in which to elect whether it wishes to go forward with the cancellation proceeding, or to have

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the cancellation proceeding dismissed without prejudice as moot. *See Marshall Field & Co. v. Mrs. Fields Cookies*, 11 USPQ2d 1154, 1156 (TTAB 1989), and TBMP § 602.02(b).