

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

nmt

Mailed: January 29, 2014

Cancellation No. 92058367

Monteverde Foods

v.

Spirito Brothers, LLC

On January 24, 2013, respondent filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 3789917.

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.

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. 3789917 will be cancelled in due course.

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