

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

GCP

Mailed: February 1, 2016

Cancellation No. 92058412

Spartan Brands, Inc.

v.

Randy Appell

By the Trademark Trial and Appeal Board:

Petitioner, without the written consent of Respondent, filed a withdrawal of the petition for cancellation on February 1, 2016.

Trademark Rule 2.114(c) provides that after an answer is filed, the petition for cancellation may not be withdrawn without prejudice except with the written consent of respondent.

In view thereof, and because the withdrawal was filed after answer and without Respondent's written consent, the petition for cancellation is dismissed **with prejudice**.¹

¹ In light of this order, the Board's January 31, 2016, show cause order directed to Petitioner for failure to file a brief on the case and for failure to prosecute is hereby set aside.