

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Mailed: January 29, 2016

Cancellation No. 92062802

Dogfish Head Marketing, LLC

v.

0779147 B.C. Ltd.

By the Trademark Trial and Appeal Board:

This case comes before the Board for consideration of Respondent's January 7, 2016 motion to delete the goods in International Class 32¹ from each of its involved registrations (Reg. Nos. 4838713, 4838714, 4838712, and 4833958). Petitioner, in a separate submission filed on January 26, 2016, indicated that it consents to the proposed deletion of Class 32 from the registrations, and, contingent upon acceptance of the proposed deletions, further consents to dismissal of this cancellation proceeding.

Each of the involved registrations contains goods in International Class 32, as well as goods or services in at least one additional Class. Petitioner seeks partial cancellation of the involved registrations solely with respect to "beer" in International Class 32.

¹ The goods in International Class 32 are "beverages, namely, beer."

In a cancellation proceeding against any registration having multiple classes, if the respondent files a request to amend the registration to delete an entire class sought to be cancelled, the request for amendment is, in effect, a voluntary surrender of the registration as to the class under Section 7(e) of the Trademark Act, and is governed by Trademark Rule 2.134(a). *See G&W Labs., Inc. v. GW Pharma Ltd.*, 89 USPQ2d 1571, 1574 (TTAB 2009); TBMP § 602.02(a).

In view of Petitioner's voluntary surrender of Class 32 in Registration Nos. 4838713, 4838714, 4838712, and 4833958, and Respondent's corresponding consent, the petition for partial cancellation is dismissed without prejudice in accordance with Trademark Rule 2.134(a).

Registration Nos. 4838713, 4838714, 4838712, and 4833958 will be **cancelled in part with respect to Class 32** in due course by the Commissioner for Trademarks.