

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

Tdc

Mailed: September 1, 2016

Cancellation No. 92063625

AdvoCare International, LP

v.

X Gym Ultimate Nutrition LLC

By the Trademark Trial and Appeal Board:

On August 19, 2016, Respondent filed a voluntary surrender of its Registration No. 4521485 under Section 7(e) of the Trademark Act.

Trademark Rule 2.134(a) provides that if the Respondent in a cancellation proceeding applies for cancellation of the involved registration under Section 7(e) of the Trademark Act 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 entered against Respondent, the petition to cancel is granted, and Registration No. 4521485 will be cancelled in due course by the Commissioner for Trademarks.