

ESTTA Tracking number: **ESTTA312142**

Filing date: **10/19/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 91184081 |
| Party | Defendant Roger Nelson Chipman |
| Correspondence Address | Alicia D. Gaddy Dungan & Associates, P.A. One Rankin Avenue, Third Floor Asheville, NC 28801 UNITED STATES AVega@dunganlaw.com, agaddy@dunganlaw.com |
| Submission | Other Motions/Papers |
| Filer's Name | Alicia D. Gaddy |
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| Signature | /Alicia D. Gaddy/ |
| Date | 10/19/2009 |
| Attachments | Voluntary Surrender executed.pdf (2 pages)(86384 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No.: 78/882,634
For the Mark: SHOO-FLY DRAGONEYE
Published in the Official Gazette on: January 15, 2008

and

In the Matter of Registration No.: 3,334,810
For the Mark: SHOO-FLY EYE
Date of Registration: November 13, 2007

| | | |
|-------------------------|---|---------------------------|
| Charles F. Hudson, Jr., |) | |
| |) | |
| Opposer/Petitioner, |) | |
| |) | Opposition No. 91184081 |
| v. |) | |
| |) | Cancellation No. 92049351 |
| Roger Nelson Chipman, |) | |
| |) | |
| Applicant/Registrant. |) | |

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

VOLUNTARY SURRENDER OF REGISTRATION
Under 15 U.S.C.A. §1057(e) and 37 C.F.R. §2.172

Registrant, Roger Nelson Chipman, hereby surrenders Registration No. 3,334,810 for the mark **SHOO-FLY EYE** for cancellation as permitted by the Act of July 5, 1946 (15 U.S.C.A. Section 1051 et seq.), as amended, and in accordance with a settlement agreement executed by the parties in the above action.

This application for surrender of registration is submitted with the express written consent of Charles F. Hudson, Jr. by and through his undersigned counsel.

~~A copy of the original certificate of registration is enclosed for the cancellation.~~ *AM*

There is no fee required for surrender of the registration.

The original certificate of registration is lost, and therefore is not enclosed.

Dated: 10/13/09, 2009

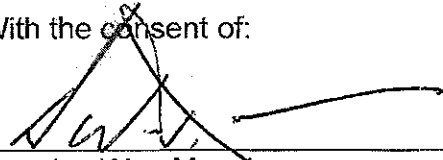
Respectfully submitted,


Roger Chipman, Registrant


Alicia D. Gaddy 10/19/09
N.C. Bar Number: 35288
The Dungan Law Firm, P.A.
Attorneys for Applicant
One Rankin Avenue, Third Floor
Asheville, North Carolina 28801
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Email: agaddy@dunganlaw.com

Dated: 9-16, 2009

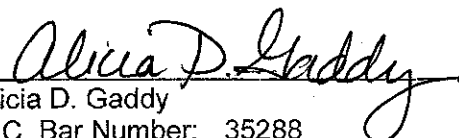
With the consent of:


Douglas Wm. Massinger
Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that the foregoing *Voluntary Surrender Of Registration Under 15 U.S.C.A. §1057(E) And 37 C.F.R. §2.172* was served on Opposer by mailing a copy by first class mail, postage prepaid, and by sending a copy by facsimile on the 19 day of October, 2009, to Opposer's counsel at the following address:

Douglas Wm. Massinger, Esq.
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