

ESTTA Tracking number: **ESTTA410959**

Filing date: **05/25/2011**

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

Proceeding	91190897
Party	Defendant The Allan Candy Company Limited
Correspondence Address	KENNETH D SUZAN HODGSON RUSS LLP 140 PEARL STREET, SUITE 100 BUFFALO, NY 14202 UNITED STATES ksuzan@hodgsonruss.com
Submission	Withdrawal Of Application
Filer's Name	Kenneth D. Suzan
Filer's e-mail	ksuzan@hodgsonruss.com
Signature	/Kenneth D. Suzan/
Date	05/25/2011
Attachments	volcanic.PDF ( 3 pages )(21765 bytes )

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

HERSHEY CHOCOLATE & CONFECTIONERY :	:	In the Matter of Trademark
CORPORATION & THE HERSHEY COMPANY :	:	Application Serial No.
	:	77/268,291
Opposer	:	Filed August 30, 2007
	:	For: Registration of
v.	:	<b>ALLAN VOLCANIC TREMORS</b>
	:	in International Class 30
	:	published on July 7, 2009
THE ALLAN CANDY COMPANY LIMITED,	:	
	:	CONSOLIDATED OPPOSITION
Applicant.	:	Parent Opposition No. 91190897
<hr/>		x

**EXPRESS ABANDONMENT AND WITHDRAWAL OF APPLICATION**

Pursuant to 37 C.F.R. § 2.68, Applicant hereby expressly abandons U.S.

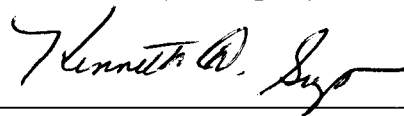
Application Serial No. 77/268,291 with prejudice.

Dated: Buffalo, New York  
May 25, 2011

Respectfully submitted,

**HODGSON RUSS LLP**  
**For The Allan Candy Company Limited**

By: \_\_\_\_\_



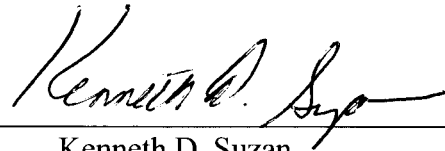
Kenneth D. Suzan  
Attorney for Applicant

140 Pearl Street, Suite 100  
The Guaranty Building  
Buffalo, New York 14202  
(716) 856-4000

**CERTIFICATE OF SERVICE**

I, Kenneth D. Suzan, hereby certify that a true and correct copy of the foregoing *Express Abandonment and Withdrawal of Application* was served on May 25, 2011 by first-class mail in a postage prepaid envelope addressed to:

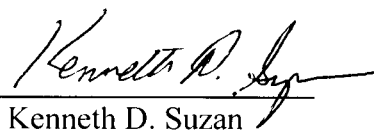
Paul C. Llewellyn, Esq.  
Kaye Scholer LLP  
425 Park Avenue  
New York, NY 10022

A handwritten signature in black ink, appearing to read "Kenneth D. Suzan", written over a horizontal line.

Kenneth D. Suzan

**CERTIFICATE OF FILING**

I hereby Certify that this *Express Abandonment and Withdrawal of Application* is being electronically filed with the Trademark Trial and Appeal Board on May 25, 2011.

A handwritten signature in black ink, appearing to read "Kenneth D. Suzan", written over a horizontal line.

Kenneth D. Suzan