

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

EM/ra

Mailed: December 8, 2014

Opposition Nos. **91213009 (parent)**

91213014

91213017

91213019

91213021

91213022

91213023

Cancellation No. 92058021

Peak 10, Inc.

v.

eLeMeNtek, LLC

By the Trademark Trial and Appeal Board:

On August 27, 2014, the parties filed a stipulation to abandon application Serial Nos. 85832961, 85832965 and 85832851 and on September 8, 2014, a stipulation to withdraw the oppositions without prejudice.¹

In view thereof, application Serial Nos. 85832961, 85832965 and 85832851 stand abandoned, and Opposition Nos. 91213009, 91213014,

¹ The Board notes that abandonments were only filed for Opposition Numbers 91213009, 91213017 and Opposition No. 91213019, all the remaining applications involved will proceed to issue for further processing.

Opposition Nos. 91213009, 91213014, 91213017, 91213019, 91213021, 91213022 & 91213023; Cancellation No. 92058021

91213017, 91213019, 91213021, 91213022, and 91213023 are hereby dismissed without prejudice. *See* Trademark Rules 2.106(c) and 2.135.

The Board notes that the parties' withdrawal/surrender also referenced Registration No. 4395880, which was not involved in the Cancellation proceeding in this consolidated series.²

Accordingly, registrant is allowed ten days from the mailing date of this order to file a new voluntary surrender with the respect to Registration No. 4395887, the registration involved in Cancellation No. 92058021. If no surrender is filed in the time allowed, Cancellation No. 92058021 will be resumed and appropriate dates reset.

² Registration No. 4395880 for the mark "PEAKCOLO CHANNEL THE CLOUD" was a part of Cancellation No. 92059136 that was previously dismissed on August 2, 2014.