

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

TWW/kk

Mailed: January 15, 2003

Cancellation No. 41,033

VISA INTERNATIONAL SERVICE
ASSOCIATION

v.

MCE

Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:

On October 21, 2002, respondent filed a communication notifying the Board that it had previously surrendered its Registration No. 1,190,371, before petitioner had filed its petition to cancel. However, respondent did not provide any further information evidencing an abandonment of the subject registration.

A review of the Office records reveals that this cancellation proceeding was instituted on September 20, 2002. On November 30, 2002, the registration involved in this proceeding was cancelled under Section 9 of the Trademark Act based on its failure to renew said registration.

In view thereof, respondent is allowed until twenty (20) days from the mailing date of this order to show cause why the cancellation pursuant to Section 9 of the Trademark Act should not be deemed to be the equivalent of a cancellation by request of respondent without the consent of the adverse party, and should not result in entry of judgment against respondent as provided by Trademark Rule 2.134(a). In the absence of a showing of good and sufficient cause, judgment may be entered against respondent. See Trademark Rule 2.134(b).

If, in response to this order, respondent submits a showing to the satisfaction of the Board that it did surrender its registration prior to the institution of this cancellation, judgment will not be entered against and the cancellation proceeding dismissed without prejudice as moot. See *C. H. Guenther & Son Inc. v. Whitewing Ranch Co.*, 8 USPQ2d 1450 (TTAB 1988) and TBMP § 602.02(b).