

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

Mailed: June 5, 2004

Cancellation No. 92042722

Advance Food Company, Inc.

v.

McCain Foods USA, Inc.

**Denise M. DelGizzi, Paralegal Specialist**

On May 28, 2004, respondent filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 1390981.

Trademark Rule 2.134(a) provides that if the respondent in a cancellation proceeding applies to cancel its involved registration under Section 7(e) 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 hereby entered against respondent, the petition to cancel is granted, and Registration No. 1390981 will be cancelled in due course.

***By the Trademark Trial  
and Appeal Board***