

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

DUNN  
Mailed: May 12, 2005

Cancellation No. 92043424

CELESTIAL SEASONINGS, INC.

v.

MCCORMICK DELAWARE, INC.

This case comes up on respondent's motion for relief from judgment under Fed. R. Civ. P. 60(b), filed December 29, 2004, and petitioner's withdrawal of the petition to cancel, with respondent's consent, filed March 31, 2005.

Turning first to respondent's motion for relief from judgment, the Board notes that no response thereto has been received from petitioner. Accordingly, the motion for relief from judgment is hereby granted as conceded, and the Board's November 30, 2004 entry of default judgment is set aside. See Trademark Rule 2.127(a).

In view of petitioner's withdrawal of the petition to cancel, with respondent's written consent, the petition to cancel is dismissed without prejudice. See Trademark Rule 2.114(c).

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