

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

Mailed: February 1, 2006

Cancellation No. 92044067

REPLY! INC.

v.

J.D. POWER CLUBS, INC.

**David Mermelstein, Attorney:**

On October 17, 2005, in response to a Board order, petitioner filed a paper informing the Board that it is the owner of the subject registration, and has been since well prior to the filing of the petition for cancellation.

Trademark Act § 14 permits the filing of a petition for cancellation "by any person who believes that he is or will be damaged ... by the registration of a mark..." Because petitioner cannot be "damaged" by its own registration, this proceeding is DISMISSED as moot.<sup>1</sup>

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

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<sup>1</sup> Petitioner has requested that the subject registration be cancelled. Inasmuch as petitioner alleges ownership of the registration, it may surrender its registration by filing an appropriate request with the Post Registration division. Trademark Act § 7(e); Trademark Rule 2.172.