

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

tdc

Mailed: September 14, 2007

Cancellation No. 92044531

THE FRESH MARKET, INC.

v.

Food Circus Super Market,
Inc.

On September 11, 2007, respondent filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 2559145, with prejudice.

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. 2559145 will be cancelled in due course.

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