

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

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Mailed: March 4, 2010

Cancellation No. 92045081

Money Corp.

v.

TTT Moneycorp Limited

By the Trademark Trial and Appeal Board:

By order dated March 9, 2009, the Board, *inter alia*, required respondent to show cause why the cancellation of its Registration No. 2463593 for failure to file a timely Section 8 affidavit 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 the entry of judgment against respondent as provided by Trademark Rule 2.134(a) with respect to the aforementioned registration.

Respondent filed its response to the Board's show cause order on April 7, 2009.

In light of the time that has transpired since respondent filed its response to the Board's show cause order and in order to get this proceeding back on track, the

Cancellation No. 92045081

Board conducted a telephone conference on March 3, 2010 with counsel for both parties.

During the telephone conference, the Board, based on respondent's response to the Board's show cause order, stated that insofar as respondent has sufficiently demonstrated that it abandoned use of its mark in Registration No. 2463593 with no intent to resume use well prior to the commencement of this case for reasons unrelated to this proceeding or petitioner, judgment would be entered against respondent solely on the ground of abandonment in connection with its Registration No. 2463593. *See Marshall Field & Co. v. Mrs. Fields Cookies*, 11 USPQ2d 1154 (TTAB 1989); *see also* Response to Comments, Trademark Rule 2.124(b), Fed. Reg. 23133 (1983).

Accordingly, the Board's show cause order is hereby discharged and judgment is entered against respondent in regard to Registration No. 2463593 only and specifically on the ground of abandonment.

Inasmuch as Registration No. 2463593 remains cancelled, the Board inquired whether petitioner wished to go forward with the cancellation proceeding on its asserted claim of priority and likelihood of confusion as to the aforementioned cancelled registration, or to have the cancellation dismissed without prejudice as moot as to said registration.

Cancellation No. 92045081

Petitioner's counsel indicated that he needed to consult with his client before a decision could be made.

In view thereof, petitioner is allowed ten days from the mailing date of this order in which to inform the Board whether it wishes to proceed with this case in regard to Registration No. 2463593, failing which the cancellation proceeding will be dismissed without prejudice as moot solely in regard to the aforementioned subject registration.

Proceedings are otherwise suspended pending petitioner's response to this order.