

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

Baez/BUTLER

Mailed: March 28, 2007

Cancellation No. 92045579

American Promotional Event,
Inc., d/b/a TNT Fireworks
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Inc., d/b/a TNT Fireworks

v.

Galaxy Fireworks, Inc.

On September 15, 2006, respondent filed a communication to the Board stating in part that respondent "... will agree to the cancellation of the mark..." The Board construes this communication as a voluntary surrender under Section 7(e) of the Trademark Act of respondent's Registration No. **2473386**.

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. **2473386** will be cancelled in due course.

*By the Trademark Trial
and Appeal Board*