

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

Faint

Mailed: October 14, 2008

Opposition No. 91175742

Herculinks Corporation

v.

John E. Hughes, Jr.

Cancellation No. 92047226

John E. Hughes Jr.

v.

Herculinks Corporation

On August 14, 2008, Herculinks Corporation filed a "motion to withdraw amended answer" and a "response to trademark assignment document emailed." On August 19, 2008, Herculinks filed a "voluntary surrender" of its Registration No. 3139215 under Section 7(e) of the Trademark Act.

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 Herculinks Corporation in the cancellation proceeding, the petition to cancel is granted, and Registration No. 3139215 will be cancelled in due course.¹

In view thereof, Herculinks Corporation is allowed until **THIRTY DAYS** from the mailing date of this order to show cause why default judgment should not be entered against it in the opposition based on its apparent loss of interest in this case.

Proceedings herein are otherwise suspended.

*By the Trademark Trial
and Appeal Board*

¹ In view thereof, Herculinks motion to withdraw its amended answer is moot. Herculinks "response" regarding assignment will be given no further consideration.