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Filing date: **06/22/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048991
Party	Defendant Medical College of Hampton Roads, dba Eastern Virginia Medical School
Correspondence Address	Christopher J. Mugel Kaufman & Canoles, PC Three James Center, 1051 East Cary St., 11th floor Richmond, VA 23219 UNITED STATES cjmugel@kaufcan.com
Submission	Voluntary Surrender Of Registration
Filer's Name	Christoppher J. Mugel
Filer's e-mail	cjmugel@kaufcan.com
Signature	/Christopher J. Mugel/
Date	06/22/2009
Attachments	final signed stipulated dismissal.pdf ( 4 pages )(79104 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

	X	
<b>DR. HOWARD W. JONES, JR.,</b>	:	
	:	
<b>Petitioner</b>	:	
	:	
v.	:	<b>Cancellation Proceeding No. 92048991</b>
	:	
<b>MEDICAL COLLEGE OF HAMPTON ROADS, DBA EASTERN VIRGINIA MEDICAL SCHOOL,</b>	:	
	:	<b>Registration. No. 2,620,170</b>
	:	
<b>Registrant</b>	:	
	X	

**Application to Surrender Registration with Consent,  
And Stipulated Dismissal, Without Prejudice**

Pursuant to Rules of Practice 2.134(a), 2.135 and 2.172, as well as TBMP Sections 602.02, 605.03(a), Registrant Eastern Virginia Medical School advises the Trademark Trial and Appeal Board that it and Petitioner have entered into a settlement agreement resolving the dispute between them and providing for surrender of the subject registration and dismissal of the cancellation proceeding without prejudice.

The subject cancellation proceeding at present is suspended, pursuant to the Board's order of April 7, 2009, as the parties had stipulated to a suspension while they conducted settlement negotiations. Those negotiations have now come to fruition, and accordingly the parties request that the suspension be lifted so the Board may act on this application to surrender the registration and stipulated dismissal without prejudice.

Pursuant to said settlement agreement, Registrant herewith applies to voluntarily surrender for cancellation the registration that is the subject of the cancellation, Registration No.

2,620,170, with the consent of Petitioner Dr. Howard W. Jones, Jr. as well as his successor-in-interest, the Foundation for the Howard and Georgeanna Jones Institute for Reproductive Medicine, a Virginia not-for-profit organization.

Inasmuch as the surrender of the registration is with the consent of the Petitioner, the dismissal of the subject cancellation proceeding and the cancellation of Registration No. 2,620,170 is to be without prejudice. Rule of Practice 2.134(a), TBMP 602.02.

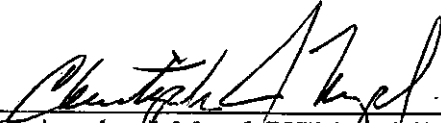
Rule of Practice 2.172 provides that a registrant applying to cancel its registration shall provide with its application the original certificate of registration, "if not lost or destroyed." Rule of Practice 2.172. The undersigned counsel for Registrant represents on its behalf that its general counsel has conducted a thorough and diligent search for the original certificate of registration, has been unable to locate same, and has concluded the original certificate is lost. Accordingly, Registrant respectfully submits that the application to surrender should be granted without prejudice notwithstanding its inability to surrender the original certificate of registration. *See id.*

Pursuant to Registrant's application to surrender and withdraw the subject registration and the settlement agreement, it is hereby stipulated that the subject cancellation proceeding be dismissed without prejudice. TBMP 605.03(a).

The undersigned therefore stipulate that surrender of the registration for cancellation and dismissal of the cancellation proceeding be without prejudice. The signature of Christopher J. Mugel is on behalf of Registrant and the signature of Douglas W. Kenyon is on behalf of Petitioner and the Foundation for the Howard and Georgeanna Jones Institute for Reproductive Medicine. A true and correct copy of this document as filed is being served upon Mr. Kenyon.

For the foregoing reasons, the parties respectfully urge that Registration No. 2,620,170 be cancelled and that Cancellation Proceeding No. 92048991 be dismissed without prejudice.

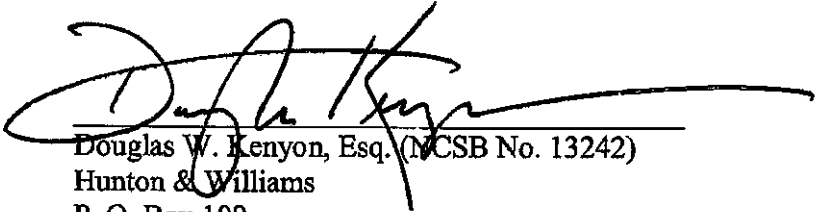
Richmond, Virginia  
June 22, 2009



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Counsel for Registrant



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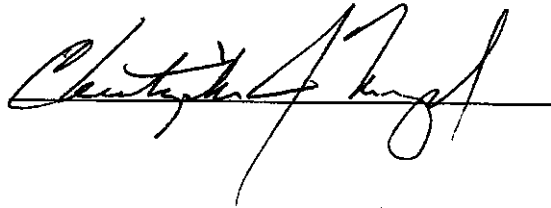
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Counsel for Petitioner and the Foundation for the Howard  
and Georgeanna Jones Institute for Reproductive Medicine

**Certificate of Service**

The undersigned certifies that, this 22nd day of June, 2009, he is causing a true and correct copy of this paper to be served by first-class U.S. mail, postage prepaid, but counsel of record for the Petitioner,

Douglas W. Kenyon, Esq.  
Hunton & Williams  
P. O. Box 109  
Raleigh, NC 27602

A handwritten signature in black ink, appearing to read "Douglas W. Kenyon", written over a horizontal line.

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