

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

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Mailed: December 8, 2009

Cancellation No. 92049168

Cancellation No. 92049203

SKEETER PRODUCTS, INC.

v.

DAVID E. WAYS

On November 3, 2009, petitioner informed the Board that a final determination has been rendered by the court in *Skeeta, Inc. v. Skeeter Products, Inc. v. Skeeta, Inc. and David E. Ways*, Case No. 8:08-cv-1065-T-26TGW in the United States District Court for the Middle District of Florida, Tampa Division. Petitioner submitted a copy of the court's order, dated September 25, 2009. Respondent has not filed any response.

The court, among other things, and pursuant to Section 37 of the Trademark Act, ordered that the Director of the USPTO "allow defendant Skeeter's '275 application."¹ Inasmuch as the Board has no jurisdiction over petitioner's pending application, upon termination of this proceeding, as addressed below, the Director will be notified of the court's order via the Solicitor's Office.²

¹ Paragraph No. 4 of the court's order. As pleaded in the petition to cancel, such application is Serial No. 78972275.

² In addition, petitioner may wish to submit a copy of the court's order to the Examining Attorney assigned to the pending application.

Cancellation Nos. 92049168 and 92049203

The court also ordered that the Director of the USPTO dismiss Skeeter Products, Inc.'s pending cancellation proceedings.³

Petitioner asks that the cancellation proceedings be dismissed as ordered by the court.

In view of petitioner's request, Cancellation Nos. 92049168 and 92049203 are dismissed in accordance with the court's order. See Trademark Act §37. See also Trademark Rule 2.127(a).

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

³ Paragraph No. 4 of the court's order.