

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

Tdc

Mailed: October 28, 2010

Cancellation No. 92049826

The Lincoln National Life
Insurance Company

v.

Lincoln Benefit Life Company

Cheryl S. Goodman, Interlocutory Attorney:

On October 12, 2010, respondent filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 3487544. On October 18, 2010, petitioner filed a withdrawal of the petition for cancellation with prejudice.

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.

The Board notes that prior to filing these papers, the parties were previously involved in settlement negotiations. It is unclear whether the October 12 and October 18, 2010

filings relate to the parties' settlement and desired disposition of the proceeding (i.e., dismissal of proceeding with prejudice rather than entry of judgment against respondent) under the terms of the settlement.

Accordingly, the Board will give respondent time to provide the written consent of petitioner for the voluntary surrender, failing which judgment will be entered against respondent, the petition to cancel is granted, and Registration No. 3787544 will be cancelled in due course.