

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

MBA/kk

Mailed: November 8, 2010

Cancellation No. 92052638

Marks and Spencer plc

v.

Great Canadian Railtour
Company Ltd.

On October 28, 2010, respondent filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 3094638, without petitioner's written consent. Accordingly, on November 3, 2010, the Board entered judgment against respondent and granted the petition to cancel. However, on November 4, 2010, petitioner provided its written consent to respondent's voluntary surrender.

In view thereof, the Board's order of November 3, 2010 is set aside, the petition to cancel is dismissed without prejudice in accordance with Trademark Rule 2.134(a) and the registration will be cancelled in due course pursuant to Section 7(e) of the Trademark Act.

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