

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

nmt/BUTLER

Mailed: April 21, 2011

Cancellation No. 92052713

Premium Denim, LLC

v.

Sand K., Inc.

Petitioner, without the written consent of respondent, filed a withdrawal of the petition for cancellation on March 2, 2011.

Trademark Rule 2.114(c) provides that after an answer is filed, the petition for cancellation may not be withdrawn without prejudice except with the written consent of respondent.

In view thereof, and because the withdrawal was filed after answer, the petition for cancellation is dismissed with prejudice.

While the cancellation remains dismissed with prejudice, respondent is allowed **THIRTY DAYS** from the mailing date of this order to inform the Board how it wishes to proceed with respect to the counterclaims, failing which, the counterclaims will go forward and the appropriate dates will be reset.¹

*By the Trademark Trial
and Appeal Board*

¹ The Board notes in passing the grant of respondent's consented motion to extend dates (both dated April 18, 2011). However, dates are tolled pending a response to this order, as noted above. Upon resumption, appropriate dates will be reset.