

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

cv

Mailed: December 2, 2010

Cancellation No. 92052740

Premium Denim, LLC

v.

Designs By FMC, Inc.

On November 19, 2010, respondent filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 3370759.¹

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.

In view thereof, and because petitioner's written consent to the voluntary surrender is not of record, judgment is hereby entered against respondent, the petition to cancel is

¹ Registrant's voluntary surrender does not indicate proof of service of a copy of same on counsel for petitioner as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said voluntary surrender is forwarded herewith to counsel for petitioner.

granted, and Registration No. 3370759 will be cancelled in due course.

*By the Trademark Trial
and Appeal Board*