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Filing date: **02/14/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057330
Party	Plaintiff David McLane Enterprises, Inc.
Correspondence Address	LAURI S THOMPSON GREENBERG TRAURIG LLP 3773 HOWARD HUGHES PARKWAY, SUITE 400N LAS VEGAS, NV 89169 UNITED STATES lvttab@gtlaw.com, lvpto@gtlaw.com, ThompsonL@gtlaw.com, AjemianP@gtlaw.com
Submission	Withdrawal of Cancellation
Filer's Name	Lauri S. Thompson
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Signature	/Lauri S. Thompson/
Date	02/14/2014
Attachments	Withdrawal of Cancellation-WOWGIRLS.pdf(97588 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No. 3701971
For the mark WOWGIRLS in Class 25
Date registered October 27, 2009.

David McLane Enterprises, Inc.

Petitioner,

v.

Golden Song Productions, Inc.

Registrant.

Cancellation No.: 92057330

BOX TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

WITHDRAWAL OF CANCELLATION

Petitioner, David McLane Enterprises, Inc. (“Petitioner”), by and through its counsel, the law firm of Greenberg Traurig, LLP, hereby files this Withdrawal of Cancellation pursuant to TBMP § 601.02, 37 CFR § 2.114(c). Petitioner is withdrawing its petition to cancel prior to the Registrant’s answer; therefore, the withdrawal is without prejudice.

Further, pursuant to TBMP § 601.03, “[a] plaintiff in an opposition or cancellation proceeding may unilaterally withdraw its complaint without prejudice, even in the face of a defendant’s adverse motion such as a motion to dismiss... provided that the withdrawal is filed prior to defendant’s answer to the complaint. When a plaintiff unilaterally withdraws its complaint prior to answer, in the face of a defendant’s pending motion for judgment, the proceeding will be dismissed without prejudice...and the pending motion will be declared moot.”

Here, while Registrant filed a Motion to Dismiss on January 10, 2014, and the parties filed a stipulated Motion to Suspend the proceedings on January 28, 2014, Registrant has not yet

filed its answer to the complaint. Therefore, even with Registrant's Motion to Dismiss pending, Petitioner's unilateral withdrawal of its complaint without prejudice serves to dismiss the instant proceeding and makes Registrant's Motion to Dismiss moot.

Dated this 14th day of February, 2014.

By: /Lauri S. Thompson/
Lauri S. Thompson
Peter H. Ajemian
GREENBERG TRAURIG, LLP
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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on Fri, Feb 14, 2014, I served the foregoing **WITHDRAWAL OF CANCELLATION** on:

GREGORY F. BUHYOFF
LAW OFFICE OF GREGORY F. BUHYOFF, PC
1781 VILLAGE CENTER CIR, STE. 120
LAS VEGAS, NV 89134
Email: gbuhyoff@gfblaw.com

by causing a full, true, and correct copy thereof to be sent by email on this date.

/Peter H. Ajemian/
An employee of Greenberg Traurig, LLP