

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

VW

Mailed: March 20, 2017

Cancellation No. 92063090

Tart Optical Enterprises, LLC

v.

JD Fine & Company

By the Trademark Trial and Appeal Board:

On February 27, 2017, Respondent filed a voluntary partial surrender of its Registration No. 4064083 under Section 7(e) of the Trademark Act, with Petitioner's written consent, with respect to International Class 9 only.¹

In view thereof, the petition to cancel is dismissed without prejudice in accordance with Trademark Rule 2.134(a), and the Registration No. 4064083 will be cancelled in due course by the Commissioner for Trademarks as to Class 9 only.²

¹ The Board notes that the parties' stipulated request at 11 TTABVue did not include a certificate of service. Even though the request is stipulated, the party filing the request with the Board must include proof of service of the stipulated motion on its adversary. The parties are reminded that strict compliance with Trademark Rule 2.119 is required for all future filings. The filing can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

² In view hereof, all outstanding matters are deemed to now be moot.