

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

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Mailed: September 26, 2017

Cancellation No. 92066126<sup>1</sup>

*Chocoladefabriken Lindt & Sprungli AG*

*v.*

*Geraldine Elliott*

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

On September 18, 2017, Respondent filed a voluntary surrender of its Registration No. 4523743 in Class 35 only under Section 7(e) of the Trademark Act.

Trademark Rule 2.134(a) provides that if the Respondent in a cancellation proceeding applies for cancellation of the involved registration under Section 7(e) of the Trademark Act 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 entered against Respondent, the petition to cancel is granted, and Registration No. 4523743 will be cancelled in Class 35 only due course by the Commissioner for Trademarks.

The registration will remain in full force and effect with respect the remaining unopposed classes.

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<sup>1</sup> Petition for cancellation filed against Class 35 only.