

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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mbm/RA/WF

February 20, 2019

Cancellation No. 92066243

S & G Hampton Sun, LLC

v.

Babyhampton, LLC

By the Trademark Trial and Appeal Board:

On January 2, 2019, Respondent filed a consented motion requesting the deletion of International Class 3 in its entirety from its involved Registration No. 4690052, with Petitioner's written consent.,

Where a registrant files a request to amend the registration to delete an entire class sought to be cancelled, the request is, in effect, a voluntary surrender of the registration with respect to that class. *See* TBMP § 602.02(a) (2018); Trademark Rule 2.134(a).

In view thereof and because Petitioner's written consent is of record, the registration will be cancelled in due course by the Commission for Trademarks with respect to Class 3 only, pursuant to Section 7(e) of the Trademark Act.

If the amendment resolves this proceeding, Petitioner is allowed until thirty days from the date of this order to file a withdrawal of the petition to cancel the

registration, failing which the cancellation will go forward on the registration as amended (Class 25 only). See Trademark Rule § 2.114(c).

If no response is filed, proceeding will be resumed and dates reset as parties consented to in Petitioner's motion of January 18, 2019 to extend discovery and trial dates. 18 TTABVue. Dates will resume as follows:

SCHEDULE	
Discovery Closes	April 23, 2019
Plaintiff's/Petitioner's Pretrial Disclosures Due	June 7, 2019
Plaintiff's/Petitioner's 30-Day Trial Period Ends	July 22, 2019
Defendant's/Respondent's Pretrial Disclosures Due	August 6, 2019
Defendant's/Respondent's 30-Day Trial Period Ends	September 20, 2019
Plaintiff's/Petitioner's Rebuttal Disclosures Due	October 5, 2019
Plaintiff's/Petitioner's 15-Day Rebuttal Period Ends	November 4, 2019
Plaintiff's/Petitioner's Opening Brief Due	January 3, 2020
Defendant's/Respondent's Brief Due	February 2, 2020
Plaintiff's/Petitioner's Reply Brief Due	February 17, 2020
Request for Oral Hearing (optional) Due	February 27, 2020

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the

manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).