

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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dmd

July 29, 2022

Cancellation No. 92079243

Atlantic Optical Company, Incorporated

v.

Spacely, LLC

By the Trademark Trial and Appeal Board:

On July 18, 2022, Respondent filed a voluntary surrender of its Registration No. 6327088 under Section 7(e) of the Trademark Act.¹

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.

¹ When a party to an inter partes proceeding before the Board files a submission required by 37 C.F.R. § 2.119(a) to be served upon every other party to the proceeding, the party filing the submission must include proof that the required service has been made ordinarily must be submitted before the filing will be considered by the Board. Occasionally, in order to expedite matters, the Board will provide a link to the database where a copy of the filing can be viewed. In this instance, the Board exercises its discretion and will consider the filing, however, strict compliance is required in all future submission filed with the Board. A copy of the filing can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

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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. 6327088 will be cancelled in due course by the Commissioner for Trademarks.