

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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WINTER/kk

April 13, 2023

Cancellation No. 92080924

*Northern Cables, Inc.*

*v.*

*Encore Wire Corporation*

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

On March 14, 2023, Petitioner submitted a combined (i) request to remand the parties' Consent to Registration and Coexistence Agreement to the Examining Attorney for Petitioner's pending application Serial No. 90470257, and (ii) withdrawal of the petition for cancellation without prejudice.

With respect to Petitioner's request to remand, said request is denied. The Board has no jurisdiction over Petitioner's pleaded application that is still pending before an examining attorney; therefore, the Board cannot entertain Petitioner's request.<sup>1</sup> *See Home Juice Co. v. Runmlin Cos.*, 231 USPQ 897, 898 n.7 (TTAB 1986) ("The Board has no jurisdiction over petitioner's application for registration."); *Int'l Telephone and Telegraph Corp. v. Int'l Mobile Machines Corp.*, 218 USPQ 1024, 1026 (TTAB 1983)

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<sup>1</sup> The parties' agreement should be submitted directly to the Trademark Examining Operation.

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(counterclaim to refuse plaintiff's pending applications was improper in view of Board's lack of jurisdiction over applications).

Regarding Petitioner's withdrawal of the petition, because no answer is of record, the petition for cancellation is denied without prejudice. *See* Trademark Rule 2.114(c).