

ESTTA Tracking number: **ESTTA424641**

Filing date: **08/11/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052164
Party	Defendant Universal Food Public Company Limited
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Submission	Other Motions/Papers
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Date	08/11/2011
Attachments	Motion with Consent.PDF (4 pages)(129060 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NUTRI-ASIA, INC.)	Cancellation No. 92052164
)	
Plaintiff-Petitioner,)	Registration No. 3,334,648
)	
v.)	Mark: UFC stylized
)	
UNIVERSAL FOOD PUBLIC)	UFC
COMPANY LIMITED)	
)	
Defendant-Registrant.)	

COMBINED MOTION WITH CONSENT TO
AMEND REGISTRATION AND SUSPEND CANCELLATION ACTION

A settlement agreement in this Cancellation Action is contingent upon amendment of the identification of goods of Defendant-Registrant's subject registration and upon amendment of the identification of goods of Plaintiff-Petitioner's application.

All parties to Cancellation No. 92052164 (the "Parties") have agreed and mutually given consent that Registrant, Universal Food Public Company Limited, through its attorneys, will make this motion to amend the identification of goods in Registration No. 3,334,648 to read:

"Preserved vegetables and preserved fruits excluding Filipino-style sweet preserves and preserved fruit spreads."

The Parties have agreed and mutually given consent that Nutri-Asia, Inc. will separately amend the identification of goods in Application Serial No. 77/626,720 to read:

"Filipino-style sweet preserves and preserved fruit spreads, namely bananas in syrup, chick peas, coconut gel, coconut sport strings, jackfruit, mixed fruit and beans, pineapple gel, red mung beans, sugar palm fruit, white beans, coconut spread, and purple yam spread."

Cancellation No. 92052164
Registration No. 3,334,648
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This request for amendment of Registration No. 3,334,648 is governed by 37 C.F.R. §2.133(a) and is therefore being filed with the Board. Proof of service on every other party to Cancellation No. 92052164 is attached. TBMP § 605.03(b). Petitioner consents to this amendment of Registration No. 3,334,648 by the signature of its attorneys below. TBMP §514.02. The \$100 fee for filing an amendment to a registration and any other legitimate fees associated with this motion to amend the identification of goods in Registration No. 3,334,648 should be charged to the Jones Day Account No. 50-3013. TMEP § 1609.01(b).

For good cause, namely to promote settlement of Cancellation No. 92052164, the Parties respectfully request that this Motion to amend the identification of goods in Registration No. 3,334,648 be granted.

The attorneys for the Parties to Cancellation No. 92052164 hereby request that the instant Cancellation Action be suspended. Pursuant to the Settlement Agreement between the Parties, within fifteen (15) days after Petitioner's Application No. 77/626,720 is approved for publication, as shown in the USPTO online TARR database, Petitioner will withdraw Cancellation No. 92052164 with prejudice.

For good cause, namely to promote settlement of Cancellation No. 92052164, the Parties respectfully request that this Motion to suspend the Cancellation Action be granted.

This Motion may be executed in two or more identical counterparts, facsimile counterparts or electronic counterparts, each of which when executed by a Party shall be deemed to be an original and such counterparts shall together constitute one and the same Agreement.

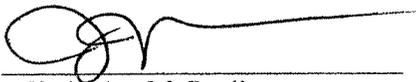
Cancellation No. 92052164
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The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true. 37 C.F.R. § 2.173.

Respectfully submitted,

Date of Signature: August 10th, 2011

Date of Signature: August 2, 2011

By: 

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COMPANY LIMITED

Cancellation No. 92052164
Registration No. 3,334,648
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **COMBINED MOTION WITH CONSENT TO AMEND REGISTRATION AND SUSPEND CANCELLATION ACTION** has been served on the Attorneys for Petitioner by mailing said copy on August 11th, 2011, via First Class Mail, postage prepaid to:

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