

ESTTA Tracking number: **ESTTA450439**

Filing date: **01/10/2012**

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

Proceeding	92053103
Party	Defendant Makka Halal Meat & Food Mart, Inc.
Correspondence Address	BARRY E KAPLAN WOODCOCK WASHBURN LLP 2929 ARCH STREET CIRA CENTRE, 12TH FLOOR PHILADELPHIA, PA 19104-2891 UNITED STATES bkaplan@woodcock.com,trademarks@woodcock.com,jdale@woodcock.com,ohoward@woodcock.com
Submission	Motion to Amend Registration
Filer's Name	Barry E. Kaplan
Filer's e-mail	bkaplan@woodcock.com,jdale@woodcock.com,trademarks@woodcock.com,ohoward@woodcock.com
Signature	/Barry E. Kaplan/
Date	01/10/2012
Attachments	Motion.pdf ( 4 pages )(67544 bytes )

**Registration Subject to the filing**

Registration No	3005517	Registration date	10/11/2005
Registrant	Makka Halal Meat & Food Mart, Inc. 431 N. Indian Creek Drive, Suites C & D Clarkston, GA 30021 UNITED STATES		

**Goods/Services Subject to the filing**

Class 030. First Use: 2004/05/20 First Use In Commerce: 2004/05/20  
All goods and services in the class are requested, namely: Rice, parboiled rice and Basmati rice

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

In the matter of Trademark Registration No. 3,005,517  
For the Mark: BAZARAC & Fawn Design  
Registered on October 11, 2005

GLOBAL COMMODITIES, INC.

Petitioner

Cancellation No. 92053103

v.

MAKKA HALAL MEAT & FOOD MART,  
INC.

Registrant.

**MOTION TO AMEND REGISTRATION NO. 3,005,517**

Pursuant to the Settlement Agreement entered into between the Petitioner and Registrant in Cancellation No. 92053103 on December 1, 2011, Registrant Makka Halal Meat & Food Mart, Inc. hereby respectfully moves to amend its Registration No. 3,005,517 as follows:

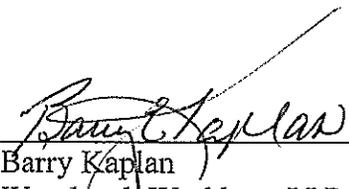
Delete the FAWN DESIGN portion of the trademark, leaving the remaining word mark BAZARAC.

Pursuant to the terms of the Settlement Agreement, Petitioner Global Commodities, Inc. indicates, below, its consent to Amendment of Registration No. 3005517 by Registrant Makka Halal Meat & Food Mart, Inc. to delete the design portion of the mark and maintain the word portion of the mark BAZARAC, as set forth hereinabove.

In support of its instant Motion to Amend, Registrant respectfully submits that amendment of said registration would not result in a material alteration of the Registration requiring republication for the reason that the word portion of the mark remains the same and only the drawing portion is to be deleted.

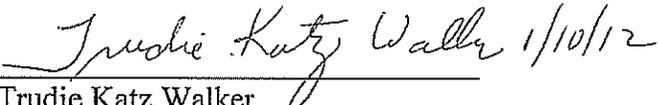
WHEREFORE, Registrant, Makka Halal Meat & Food Mart, Inc. prays that its motion be granted and that Registration No. 3,005,517 be amended accordingly.

Respectfully submitted,

  
Barry Kaplan ) 1/10/12  
Woodcock Washburn LLP  
Cira Centre, 12<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
Phone: 215-568-3100  
Fax: 215-568-3439  
Email: trademarks@woodcock.com

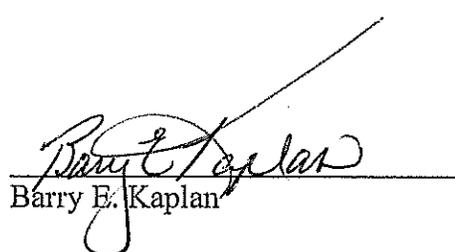
Attorneys for Registrant

Consented to on behalf of the Petitioner:

  
Trudie Katz Walker  
Attorney for Petitioner  
225 Old Country Road  
Melville, NY 11747  
Tel. (631) 361-8737  
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E-mail: tkwalker@optonline.net

Certificate of Service

I hereby certify that a copy of the foregoing paper was served by first-class mail, postage prepaid, upon the counsel for Petitioner, Trudie Katz Walker, Attorney at Law, 225 Old Country Road, Melville, New York 11747-2712, tkwalker@optonline.net, this 10<sup>th</sup> day of January, 2012.

  
\_\_\_\_\_  
Barry E. Kaplan

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

\_\_\_\_\_  
GLOBAL COMMODITIES, INC. X

Petitioner,

v.

MAKKA HALAL MEAT & FOOD MART, INC.  
Respondent.

Cancellation Proceeding No.  
92053103

\_\_\_\_\_  
X

**STIPULATION AND NOTICE OF SETTLEMENT TO TTAB**

Global Commodities, Inc. (Petitioner) and Makka Halal Meat & Food Mart, Inc. (Respondent) have entered into a Settlement Agreement dated December 1, 2011 which settles the above referenced Cancellation Proceeding.

Pursuant to the terms of the Settlement Agreement, Petitioner consents to an Amendment of Registration No. 3005517 by Respondent to delete the design portion of the mark and maintain the word portion of the mark BAZARAC, as set forth in the Motion to Amend the Registration. A copy of said motion is attached hereto.

In the event the amendment to the Registration is granted, the cancellation proceeding may be dismissed, with prejudice.

In the event the amendment to the Registration is not granted, the cancellation proceeding should be sustained and Respondent's Registration cancelled.

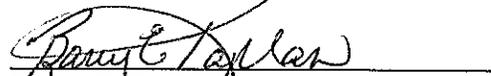
In either event, the counterclaim is dismissed with prejudice.

Dated: January 10, 2012



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Dated: January 10, 2012



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