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March 14, 2012

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OF COUNSEL

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

77/404, 743

Re: Royal Oak Enterprises, LLC v. Nature's Grilling Products LLC  
Cancellation No. 92053703

Dear Trademark Trial and Appeal Board:

Enclosed for filing and consideration in the above-referenced cancellation proceeding please find the original of Registrant's Corrected Voluntary Surrender of Registrations with Prejudice. A copy of the same was previously filed using ESTTA. This filing corrects a typographical error in Registrant's original Voluntary Surrender of Registrations with Prejudice filed with the TTAB on March 13, 2012 ("Original Surrender"). Moreover, please note that the original certificate of registration for one of the subject trademarks was filed with the confirmation copy of Registrant's Original Surrender.

Also enclosed for filing and consideration, please find the original of the Stipulated Dismissal of Proceedings With Prejudice, which was also previously filed using ESTTA.

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Respectfully,

SWIFT, CURRIE, MCGHEE & HIERS, LLP

Andrae P. Reneau



03-16-2012

SWIFT, CURRIE, MCGHEE & HIERS, LLP

Trademark Trial and Appeal Board

March 14, 2012

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cc: N. Andrew Crain

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

In re Registration No.: 3,221,991  
Mark: NATURE'S MESQUITE (& design)  
Registered: March 27, 2007

In re Registration No.: 3,925,901  
Mark: NATURE'S GRILLING (& design)  
Registered: March 1, 2011

ROYAL OAK ENTERPRISES, LLC,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Cancellation No. 92053703
	)	
NATURE'S GRILLING PRODUCTS LLC,	)	
dba NRG INTERNATIONAL LLC,	)	
	)	
Registrant.	)	
	)	

**REGISTRANT'S CORRECTED VOLUNTARY  
SURRENDER OF REGISTRATIONS WITH PREJUDICE**

Registrant Nature's Grilling Products LLC, dba NRG International LLC (hereinafter "NGP") is the owner of U.S. Trademark Registration No. 3,925,901 ("the '901 registration"), which issued on March 1, 2011, for NATURE'S GRILLING and U.S. Trademark Registration No. 3,221,991 ("the '991 registration"), which issued on March 27, 2007, for NATURE'S MESQUITE. The '901 registration and '991 registration are the subject of this cancellation proceeding, as well as *Royal Oak Enters., LLC v. Nature's Grilling Prods., LLC*, United States District Court for the Northern District of Georgia, Civil Action No. 1:10-CV-02494-JEC (the "Civil Action").

NGP hereby notifies the Trademark Trial and Appeal Board that NGP and Petitioner Royal Oak Enterprises, LLC (hereinafter "Royal Oak") have entered into a settlement agreement

(the "Settlement Agreement") for this matter and the Civil Action. Pursuant to the Settlement Agreement, NGP and Royal Oak agreed, *inter alia*, that: (i) NGP will voluntarily surrender the '901 registration and '991 registration with prejudice; and (ii) Royal Oak will voluntarily withdraw its Petition to Cancel with prejudice. NGP files this Corrected Surrender to correct a typographical error in its original Surrender filed on March 13, 2012 ("Original Surrender"), which incorrectly identified the '991 registration as U.S. Trademark Registration No. 3,332,991.

Accordingly, pursuant to Section 7(e) of the Lanham Act, 15 U.S.C. § 1057(e), 37 CFR §§ 2.134(a) and 2.172, and TBMP § 602.02(a), and with the consent of Royal Oak, NGP hereby voluntarily surrenders the '901 registration in its entirety *with prejudice* and '991 registration in its entirety *with prejudice*. NGP attached to the confirmation copy of its Original Surrender the original certificate of registration for the '901 registration. NGP has lost and cannot locate the original certificate of registration for the '991 registration.

This 14th day of March, 2012.

Respectfully submitted,



Anandhi S. Rajan  
SWIFT, CURRIE, MCGHEE  
& HIERS, LLP  
1355 Peachtree Street, N.E. ,Suite 300  
Atlanta, Georgia 30309  
(404) 874-8800  
*Attorneys for Nature's Grilling Products,  
LLC dba NRG International LLC*

Consented to by Petitioner,



N. Andrew Crain, Esq.

*(by Anandhi S. Rajan with express permission)*

THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, LLP

400 Interstate North Parkway, S.E.

Suite 1500

Atlanta, Georgia 30339

Telephone: 770-933-9500

*Attorneys for Petitioner Royal Oak Enterprises, LLC*

# United States of America

United States Patent and Trademark Office



**Reg. No. 3,925,901**

**Registered Mar. 1, 2011**

**Int. Cl.: 4**

NATURE'S GRILLING PRODUCTS LLC (COLORADO LIMITED LIABILITY COMPANY),  
DBA NRG INTERNATIONAL LLC,  
10855 DOVER STREET  
SUITE 400  
WESTMINSTER, CO 80021

**TRADEMARK**

**PRINCIPAL REGISTER**

FOR: CHARCOAL BRIQUETTES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 10-17-2007; IN COMMERCE 2-21-2008.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GRILLING", APART FROM THE MARK AS SHOWN.

THE COLOR(S) GREEN AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE COLOR(S) GREEN APPEARING AS THE OUTSIDE BORDER OF THE FRAME, AS SHOWN AND THE WORDS "NATURE'S GRILLING" IN WHITE STYLIZED SCRIPT WITH THE CENTER SQUARE ALSO APPEARING IN THE COLOR WHITE.

SN 77-404,743, FILED 2-25-2008.

C. DIONNE CLYBURN, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§ 1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\* *See* 15 U.S.C. § 1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§ 1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. § 1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

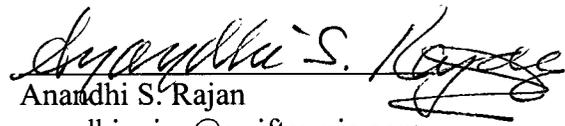
**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date a true and correct copy of the foregoing ***REGISTRANT'S CORRECTED VOLUNTARY SURRENDER OF REGISTRATIONS*** ***WITH PREJUDICE*** has been served by email and by first class mail, postage prepaid, upon the following counsel of record for Petitioner:

N. Andrew Crain, Esq.  
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600 Galleria Parkway, SE  
Suite 1500  
Atlanta, Georgia 30339  
[andrew.crain@tkhr.com](mailto:andrew.crain@tkhr.com)

This 14<sup>th</sup> day of March, 2012.

  
Anandhi S. Rajan  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No.: 3,221,991  
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_____	)	
ROYAL OAK ENTERPRISES, LLC	)	
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Petitioner,	)	
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v.	)	Cancellation No. 92053703
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NATURE'S GRILLING PRODUCTS LLC,	)	
dba NRG INTERNATIONAL LLC	)	
	)	
Registrant.	)	
_____	)	

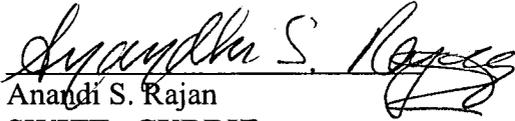
**STIPULATED DISMISSAL OF PROCEEDINGS WITH PREJUDICE**

Pursuant to TBMP § 605.03(a), in accordance with the parties' settlement agreement and in light of Registrant's voluntary surrender of the two registrations at issue in this proceeding, the parties hereby stipulate that the petition for cancellation be dismissed with prejudice.

*{the remainder of this page left intentionally blank; signature page to follow}*

This 14th day of March, 2012.

Respectfully submitted,



Anandi S. Rajan

**SWIFT, CURRIE**

**McGHEE & HIERS, LLP**

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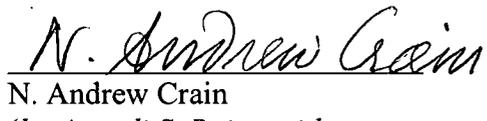
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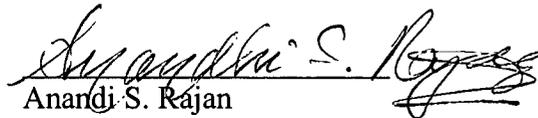
*Attorneys for Petitioner Royal Oak*

*Enterprises, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Stipulated Dismissal of Proceedings With Prejudice has been served by email and first class mail (as to confirmation copy), postage prepaid, this 14th day of March, 2012 upon Petitioner at the following addresses:

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