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Filing date: **03/13/2012**

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

| | |
|------------------------|---|
| Proceeding | 92053703 |
| Party | Defendant Nature's Grilling Products LLC dba NRG International LLC |
| Correspondence Address | DAVID L PARDUE SWIFT CURRIE MCGHEE & HIERS LLP SUITE 300 THE PEACHTREE, 1355 PEACHTREE STREET NE ATLANTA, GA 30309 UNITED STATES david.pardue@swiftcurrie.com, barton.black@swiftcurrie.com, rashmi@swiftcurrie.com |
| Submission | Voluntary Surrender Of Registration |
| Filer's Name | Anandhi S. Rajan |
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| Signature | /Anandhi S. Rajan/ |
| Date | 03/13/2012 |
| Attachments | Voluntary Surrender of Registrations.pdf (5 pages)(159288 bytes) |

**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 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. 3,332,991 ("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").

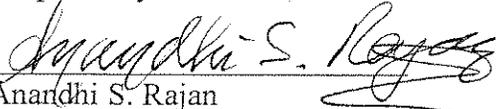
NGP hereby notifies the Trademark Trial and Appeal Board that NGP and Petitioner Royal Oak Enterprises, LLC (hereinafter "Royal Oak") have entered into a settlement agreement

(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.

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 attaches to the confirmation copy of this 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.

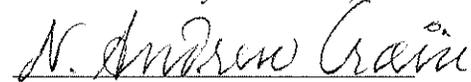
This 13th day of March, 2012.

Respectfully submitted,



Anandhi S. Rajan
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& HIERS, LLP
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*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)
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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/>.

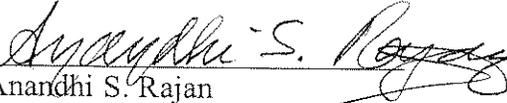
NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <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 REQUEST TO VOLUNTARY SURRENDER REGISTRATIONS WITH PREJUDICE* has been served by email and by first class mail, postage prepaid, upon the following counsel of record for Petitioner:

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This 13th day of March, 2012.


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