

ESTTA Tracking number: **ESTTA454099**

Filing date: **01/31/2012**

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

Proceeding	92054839
Party	Plaintiff Red Robin International, Inc.
Correspondence Address	KEVIN S COSTANZA SEED IP LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 5400 SEATTLE, WA 98104 UNITED STATES kevinc@Seedlp.com, litcal@Seedlp.com
Submission	Withdrawal of Cancellation
Filer's Name	Kevin S. Costanza
Filer's e-mail	kevinc@Seedlp.com, litcal@Seedlp.com
Signature	/Kevin S. Costanza/
Date	01/31/2012
Attachments	Stip Amend & dismissal cancellation.pdf (2 pages)(155775 bytes)

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

RED ROBIN INTERNATIONAL, INC.,)
)
Petitioner,) Cancellation No. 92054839
)
v.) Serial No. 4050817
)
BERRI YUMMI, LLC,)
)
Registrant.) Attorney Docket No. 790017.850
_____)

**STIPULATED AMENDMENT OF REGISTRATION AND
DISMISSAL OF CANCELLATION**

Pursuant to a Settlement Agreement between the parties, and subject to the approval of the Board, Petitioner Red Robin International, Inc. ("Red Robin") and Registrant, Berri Yummi, LLC ("Berri Yummi") stipulate that Registration No. 4,050,817 ("the '817 Registration") shall be amended to recite the following goods and services:

"frozen yogurt" in International Class 30, and

"frozen yogurt shop services in the nature of a restaurant selling primarily frozen yogurt" in International Class 43.

Red Robin and Berri Yummi further stipulate that, conditioned on the above amendment being entered in the '817 Registration, this Cancellation proceeding shall be dismissed with prejudice.

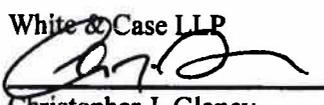
DATED this 31ST day of JANUARY, 2012
~~December, 2011.~~

SEED IP Law Group PLLC


Kevin S. Costanza
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104-7092
Telephone: (206) 622-4900
Facsimile: (206) 682-6031

Attorney for Opposer
RED ROBIN INTERNATIONAL, INC.

White & Case LLP


Christopher J. Glancy
1155 Avenue of the Americas
New York, New York 10036-2711
Telephone: (212) 819-8307
Facsimile: (212) 354-8113

Attorneys for Registrant
BERRI YUMMI, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 31 day of ^{January 2012}~~December, 2011~~, the foregoing Stipulated Amendment of Registration and Dismissal of Cancellation was served upon Registrant's counsel by email and United States first-class mail, postage-prepaid, addressed as follows:

Christopher J. Glancy
White & Case LLP
1155 Avenue of the Americas
New York, New York 10036-2711
trademarkdocket@whitecase.com