

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

kk/al

Mailed: February 8, 2012

Cancellation No. 92054839

Red Robin International,
Inc.

v.

Berri Yummi, LLC

On January 23, 2012 the Board issued a notice of default allowing respondent time to show cause why judgment by default should not be entered against in accordance with Fed. R. Civ. P. 55(b). In response, on January 31, 2012, the parties filed registrant's proposed amendment to its Registration No. 4050817, with petitioner's consent, and petitioner's withdrawal with prejudice of the petition to cancel, contingent upon entry of the amendment. In view of the response, the notice of default is set aside.

By the proposed amendment registrant seeks to change the identification of services in Class 43 **from** "Frozen yogurt shop services in the nature of a restaurant" **to** "Frozen yogurt shop services in the nature of a restaurant selling primarily frozen yogurt."

The identification in Class 30 remains unchanged.

While the amendment is clearly limiting in nature, and petitioner consents thereto, as required under Trademark Rules 2.133(a) and 2.173(b), the appropriate fee has not been paid. See Trademark Rules 2.6 and 2.173.

Accordingly, registrant is allowed *thirty days* from the mailing date of this order to submit the appropriate fee, failing which the proposed amendment will be given no further consideration. Proceedings are otherwise suspended.

***By the Trademark Trial
and Appeal Board***