

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

kk/al

Mailed: March 13, 2012

Cancellation No. 92054839

Red Robin International,
Inc.

v.

Berri Yummi, LLC

On February 8, 2012 the Board allowed registrant time to submit its fee to amend its registration. On March 9, 2012, registrant notified the Board that it had submitted its fee to amend its registration on February 14, 2012 via Post Registration. 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.

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."

Inasmuch as the amendment complies with all of the procedural requirements of Trademark Rule 2.173, it is clearly limiting in nature, and petitioner consents thereto, it is approved. See Trademark Rule 2.133(a).

The amendment will be forwarded to the Post Registration Branch of this Office for appropriate action in accordance with Section 7(e) of the Trademark Act.

The contingency in petitioner's withdrawal having now been met, the petition to cancel is dismissed with prejudice.

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