

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: May 7, 2014

Cancellation Nos. 92055264 (parent)  
92055487

Paradise Biryani, Inc.

v.

Paradise Hospitality Group LLC

**Robert H. Coggins,  
Interlocutory Attorney:**

Now before the Board are petitioner's motions to amend (filed April 11, 2014) and to suspend (filed April 24, 2014). The motion to amend is fully briefed.

Motion to Amend

By way of the motion, petitioner "moves to amend the named registered owner of" one of two registrations (Registration No. 4047868) and an application (Serial No. 85124045) pleaded by petitioner in the petitions for cancellation.

To the extent petitioner seeks an order from the Board changing the way the name of the owner is listed in the registration or application, petitioner is advised that the Board has no jurisdiction over the registration or application in the context of this proceeding. Neither property is the

subject of these consolidated proceedings; the registration and application are merely asserted by petitioner in the petitions for cancellation.

To the extent petitioner seeks an order from the Board changing the way the name of the assignee is listed on the assignment coversheet, petitioner is advised that the Board has no jurisdiction over the assignment cover sheet in the context of this proceeding. The proper way for petitioner to correct its own error on the assignment cover sheet may be to submit the following to the Assignment Recordation Branch: (1) a completed new cover sheet containing the correct information; (2) a copy of the originally recorded assignment document (or other document affecting title); (3) a copy of the previously recorded, original cover sheet containing the erroneous information; and (4) the required fee for each application or registration to be corrected. *See* TMEP § 503.06(a).

As the Office states on the Assignments web page:

PLEASE NOTE: If you make an error in the online assignment submission, contact the Assignment Recordation Branch immediately by telephone at 571-272-3350 from 8:30 a.m. – 5:00 p.m. Eastern Time. They may be able to suspend the recordation. The recordation will be suspended for two days to allow time for submission of a written letter requesting that the recordation be cancelled and that a refund be issued. However, if the assignment has been recorded, it cannot be cancelled. You must follow the procedures outlined in the Trademark Manual of Examining Procedure (TMEP) Section 503.06. (Emphasis added.)

TMEP § 503.06(a) gives detailed information to a party interested in correcting a typographical error made on an assignment cover sheet.

Inasmuch as the Board has no jurisdiction over the registration, application, or assignment cover sheet within the context of these consolidated proceedings, petitioner's motion to amend is **denied** without prejudice as procedurally improper in this proceeding.

Suspension

In view of respondent's consent (filed May 4, 2014) to petitioner's motion to suspend these consolidated proceedings pending disposition of motions for summary judgment filed in Cancellation Nos. 92058843 and 92058851, the motion to suspend is **granted**. Trademark Rules 2.117(a) and (c). Proceedings are accordingly **suspended**.