

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

KWM/gcp

Mailed: November 10, 2016

Opposition No. 91218341 (Parent)
Cancellation No. 92060993

On the Rocks Restaurant Holdings, LLC

v.

Green Crush, LLC

George C. Pologeorgis,
Administrative Trademark Judge:

On June 22, 2016, Applicant/Respondent ("Green Crush") filed proposed amendments to its involved application Serial No. 86208025 and its involved Registration No. 4330917 with Opposer's/Petitioner's consent, and Opposer's/Petitioner's withdrawal of the consolidated proceeding without prejudice of the above opposition and cancellation, contingent upon entry of the amendments.

By the proposed amendment to application Serial No. 86208025, Green Crush seeks to amend the recitation of services from "**fast-food restaurant services; restaurant services**" to "**fast-food restaurant services, excluding pizza or restaurant services offering pizza; restaurant services, excluding pizza or restaurant services offering pizza.**"

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer/Petitioner consents thereto, Green Crush's consented motion to amend is **GRANTED IN PART** inasmuch as the amendment to the recitation of services in Serial No. 86208025 is approved and entered. *See* Trademark Rule 2.133(a).

By the proposed amendment to Registration No. 4330917, Green Crush seeks to amend the recitation of services from "**fast-food restaurant services**" to "**fast-food restaurant services, excluding pizza or restaurant services offering pizza.**"

Although the amendment is clearly limiting in nature as required by Trademark Rule 2.173(e) and Opposer/Petitioner consented to entry of the amendment, Green Crush did not include the required \$100.00 fee for filing an amendment to a registration under Trademark Rule 2.6(a)(11), notwithstanding its statement to the contrary.¹ In view of the foregoing, Green Crush's consented motion to amend the recitation of services in Registration No. 4330917 and to dismiss the consolidated proceedings without prejudice is **DENIED without prejudice**.

Under the circumstances, the parties are allowed until **thirty days** from the mailing date of this order to submit the required fee under Trademark Rule 2.6(a)(11) or to otherwise inform the Board how they wish to proceed in this matter.

Proceedings are otherwise ***suspended*** pending a response to this order. If no response to this order is received within the time set, proceedings will be resumed, and appropriate dates will be reset.

¹ Office records do not indicate that Green Crush submitted the required filing fee nor did Green Crush request that the filing fee be charged against its deposit account.