

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

Mailed: February 16, 2017

Opposition No. 91218341 (**parent**)
Cancellation No. 92060993

On the Rocks Restaurant Holdings, LLC

v.

Green Crush, LLC

By the Trademark Trial and Appeal Board:

On November 10, 2016, the Board allowed Applicant/Respondent Green Crush (“Green Crush”) thirty days to submit the fee required for its motion to amend its involved Registration No. 4330917. On November 29, 2016, Green Crush paid the required fee.¹

Inasmuch as the amendment to Registration No. 4330917 to “**fast-food restaurant services, excluding pizza or restaurant services offering pizza**” is clearly limiting in nature as required by Trademark Rule 2.71(a), is supported by the required declaration and fee under Trademark Rule 2.6(a)(11), and because

¹ Green Crush filed the appropriate fee via a (procedurally improper) Section 7 Request Form filed through TEAS. Despite the fact that a request to amend a registration involved in a Board proceeding must be filed with the Board, and not with the Trademark Examining Operation, the fee is accepted.

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Opposer/Petitioner consents thereto, the amendment is approved and entered.² *See* Trademark Rule 2.133(a).

The contingency in Opposer/Petitioner's withdrawal having now been met, these consolidated proceedings are dismissed without prejudice.³

² A copy of the Board's order granting the amendment, and Green Crush's declaration, will be forwarded to the electronic file for the registration.

³ In view of the Board's dismissal of these proceedings, Green Crush's pending motion (filed October 27, 2015) to dismiss is moot and will be given no consideration.