

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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vw/apb

July 23, 2021

Cancellation No. 92070910

FRC Balance LLC

v.

Stonecrest Pizza #1 LLC

By the Trademark Trial and Appeal Board:

On June 8, 2021, the Board allowed Respondent time in which to submit the appropriate fee and requisite declaration in support of an earlier-filed stipulated proposed amendment to involved Registration No. 4503098. On July 7, 2021, Respondent filed the required fee and declaration.

In view thereof, the amendment now complies with all procedural requirements. By the proposed amendment, Respondent seeks to amend the identification in International Classes 30 and 43 to add the limiting wording underlined and shown in bold, as follows:

- *International Class 30*

Pizza **and** take-out pizza **provided at or by a pizza restaurant.**

- *International Class 43*

Restaurant services, take-out restaurant services, and catering services, **with all of the foregoing provided by a pizza restaurant.**

Inasmuch as the amendment now complies with the requirements of Trademark Rule 2.173, is limiting in nature, and Petitioner consents thereto. Accordingly, the amendment is approved. *See* Trademark Rule 2.133(a).

The amendment will be forwarded to the Post Registration Branch of this Office for entry of the amendment in accordance with Section 7(e) of the Trademark Act.¹

The contingency in Petitioner's withdrawal having now been met, the petition to cancel is denied without prejudice.

¹ A copy of the Board's order granting the amendment, and Respondent's declaration, will be forwarded electronically for uploading to the record of the registration.