

ESTTA Tracking number: **ESTTA1134765**

Filing date: **05/18/2021**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92075370
Party	Defendant Josh Gatewood and NYCFTA, Inc.
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Submission	Other Motions/Submissions
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Signature	/David N. Draper/
Date	05/18/2021
Attachments	NYCFTA Notice of Written Consent.pdf(97100 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 6,155,556

Filed: Jan. 30, 2020

Registration Issued: Sept. 15, 2020

For Mark: NEW YORK CITY FOOD TRUCK ASSOCIATION

NYFTA INC.,

Petitioner,

v.

JOSH GATEWOOD AND NYCFTA, INC.,

Respondents.

Cancellation No. 92075370

Commissioner for Trademarks

Attn: Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

**NYCFTA, INC.'S NOTICE OF WRITTEN CONSENT
TO FILE AMENDED ANSWER AND COUNTERCLAIMS**

NYCFTA, Inc. hereby respectfully files this Notice of Written Consent to Amend its Answer to include Counterclaims to the above-captioned Petition for Cancellation (“Petition for Cancellation” or “Petition”) filed by NYFTA, Inc. (“Petitioner”). NYCFTA, Inc. timely filed its Answer and Counterclaims to the Petition on December 11, 2020. Dkt. 6. An oversight, however, led to the Answer and Counterclaims being filed without payment of the requisite fee for the Counterclaims and thus the Board declined to consider them. Dkt. 8. NYCFTA, Inc. has conferred with Petitioner on the matter of filing an Amended Answer to include its Counterclaims, and Petitioner has consented in writing to such filing. Thus, pursuant to Federal

Rule of Civil Procedure 15(a)(2), NYCFTA, Inc. respectfully files its First Amended Answer and Counterclaims.

Dated: May 18, 2021
Respectfully submitted,

/s/ David N. Draper

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing filing has been served upon counsel of record via electronic mail:

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Dated: May 18, 2021

/s/ David N. Draper

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