

ESTTA Tracking number: **ESTTA1229169**

Filing date: **08/15/2022**

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

Proceeding no.	92080187
Party	Defendant Genco, Inc.
Correspondence address	CATHY E. SHORE-SIROTIN NOLTE LACKENBACH SIEGEL ONE CHASE ROAD SCARSDALE, NY 10583-4156 UNITED STATES Primary email: TMDOCKET@NLS.LAW Secondary email(s): CSHORE@NLS.LAW, LITDOCKET@NLS.LAW 914-723-4300
Submission	Other Motions/Submissions
Filer's name	CATHY E. SHORE-SIROTIN
Filer's email	CSHORE@NLS.LAW, TMDOCKET@NLS.LAW, LITDOCKET@NLS.LAW
Signature	/CATHY E. SHORE-SIROTIN/
Date	08/15/2022
Attachments	Consented Request to Amend Application and Withdraw Petition without prejudice signed.pdf(85966 bytes)

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

Registration No.: 6318042

Marks: SUSHI NINJA

International Class: 43 (ICs 9, 16, 24, 25, 28 & 41 not opposed)

-----	X
Parasol Management Group, Inc.	:
dba Ninja Sushi Hawaii	:
	:
Petitioner,	:
	:
v.	:
	:
Genco, Inc.	:
	:
Registrant.	X

**CONSENTED REQUEST TO AMEND REGISTRATION WITHOUT PREJUDICE
AND CONTINGENT WITHDRAWAL OF PETITION FOR CANCELLATION
WITHOUT PREJUDICE**

Registrant, Genco, Inc. (“Registrant”), and Petitioner, Parasol Management Group, Inc. dba Ninja Sushi Hawaii (“Petitioner”), through their undersigned counsel, jointly file this Consented Request to Amend Registration *without prejudice* and Contingent Withdrawal of Petition for Cancellation *without prejudice*.

By and through this filing, with the written consent of Petitioner, pursuant to 37 C.F.R. § 2.133(a) and TBMP § 514.02, Registrant hereby requests amendment of Registration No. 6318042 (the “Registration”) to delete International Class 43 (“providing sushi; providing foods and beverages”) in its entirety, *without prejudice*. International Classes 9, 16, 24, 25, 28 and 41 in Registration No. 6318042 were **not** subject to the Petition for Cancellation and **should remain in the Registration**.

Regarding the requested amendment, Registrant, via its counsel, Cathy E. Shore-Sirotn, declares, verifies, and states under penalty of perjury that the foregoing is true and correct, in accordance with 37 C.F.R. § 2.193(e)(6). Further, Registrant authorizes payment of the \$100.00 fee, due pursuant to by 37 C.F.R. § 2.6(a)(11) and 37 C.F.R. § 2.173(b).

Additionally, once International Class 43 has been deleted from the Registration, Petitioner, with the consent of Registrant, hereby requests withdrawal of its Petition for Cancellation, pursuant to Rule 41 of the Federal Rules of Civil Procedure, as well as 37 CFR § 2.114(c) and TBMP § 601.02.

WHEREFORE, the parties request that: (i) this Consented Request to Amend Registration *without prejudice* be accepted; (ii) the Board instruct the Commissioner for Trademarks to enter the requested amendment in the Registration and delete IC 43 in its entirety *without prejudice*; and (iii) the Petition for Cancellation be dismissed *without prejudice*.

Respectfully submitted,

/s/Cathy E. Shore-Sirotn

Cathy E. Shore-Sirotn
Nolte Lackenbach Siegel
One Chase Road
Scarsdale, New York 10583
(914) 723-4300
CShore@NLS.Law
TMDocket@NLS.Law
LitDocket@NLS.Law

Attorneys for Registrant
Genco, Inc.

Dated: August 15, 2022

/s/Trent E. Rinebarger

Trent Rinebarger
H. Michael Drumm
Drumm Law LLC
12650 W. 64th Avenue, #519
Arvada, CO 80004
(303) 698-532-1900
trent@drummlaw.com
trademark@drummlaw.com

Attorneys for Petitioner
Parasol Management Group, Inc.
dba Ninja Sushi Hawaii

Dated: August 15, 2022

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the attached CONSENTED REQUEST TO AMEND REGISTRATION WITHOUT PREJUDICE AND CONTINGENT WITHDRAWAL OF PETITION FOR CANCELLATION WITHOUT PREJUDICE is being served on Petitioner by electronic mail, addressed to Opposer's counsel as follows:

Trent Rinebarger, Esq.
H. Michael Drumm, Esq.
Drumm Law LLC
12650 W. 64th Avenue, #519
Arvada, CO 80004

trent@drummlaw.com; trademark@drummlaw.com

Dated: Scarsdale, New York
August 15, 2022

/s/ Cathy E. Shore-Sirotin
Cathy E. Shore-Sirotin