

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
General Email: TTABInfo@uspto.gov

nmt/kb

August 30, 2022

Cancellation No. 92080187

*Parasol Management Group, Inc. DBA Ninja
Sushi Hawaii*

v.

Genco, Inc.

By the Trademark Trial and Appeal Board:

On August 15 and 16, 2022, Respondent filed a proposed amendment to its Registration No. 6318042, with Petitioner's consent, and Petitioner's withdrawal without prejudice of the petition to cancel, contingent upon entry of the amendment.

By the proposed amendment, Respondent seeks to amend the registration by deleting, in its entirety, the services in International Class 43, one of the 7 classes in the involved registration.¹

In a cancellation proceeding against any registration having multiple classes, if the respondent files a request to amend the registration to delete an entire class sought to be cancelled, the request for amendment is, in effect, a voluntary surrender of the registration with respect to that class, and is governed by Trademark Rule

¹ The goods and services in International Classes 9, 16, 24, 25, 28, and 41 remain unchanged.

Cancellation No. 92080187

2.134(a), 37 C.F.R. § 2.134(a). *See* TBMP § 602.02(a). There is no fee for a voluntary surrender for cancellation.²

Registration No. 6318042 is **surrendered with consent as to International Class 43 only**. *See* Trademark Rule 2.134(a). All remaining classes in the registration remain in effect.

The contingency in Petitioner's withdrawal having now been met, the cancellation proceeding is denied without prejudice in accordance with the agreement between the parties.

² The fee submitted on August 16, 2022 will be refunded in due course.