

ESTTA Tracking number: **ESTTA1280678**

Filing date: **04/25/2023**

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

Proceeding no.	91277404
Party	Defendant HungryPanda Ltd.
Correspondence address	DAVID H. HOWARD SANDBERG PHOENIX & VON GONTARD P.C. 120 S. CENTRAL AVENUE SUITE 1600 CLAYTON, MO 63105 UNITED STATES Primary email: trademarks@sandbergphoenix.com Secondary email(s): bcreley@sandbergphoenix.com, jsoifer@sandbergphoenix.com 314-725-9100
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Signature	/Jason C. Schmidt/
Date	04/25/2023
Attachments	HungryPanda Consent Motion AS FILED 21996765.pdf(19356 bytes)

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

In re Application of:

Applicant HUNGRYPANDA US INC.

Serial. No. 88435427

Mark: HUNGRYPANDA

Pub. Date: February 2, 2021

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Panda Restaurant Group, Inc. : :
 : :
Opposer, : :
v. : :
 : :
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 : :
HungryPanda Ltd, : :
 : :
 : :
 : :
Applicant. : :
-----:

Opposition No(s). 91276244
91270798
91277404

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S MOTION FOR AMENDMENT
WITH CONSENT

COMES NOW Hungry Panda Ltd ("HungryPanda," "Respondent," and/or "Applicant") in the above-captioned action, by and through its undersigned counsel, and with consent of Panda Restaurant Group, Inc. ("PRG" and/or "Opposer")(collectively, the "Parties"), pursuant to 37 C.F.R. § 2.133, and as prescribed by Trademark Trial and Appeal Board Manual of Procedure 514.02, hereby respectfully requests the following:

1. The Parties are currently embroiled in multiple proceedings before the Board, namely Opposition Nos. 91276244, 91270798, and 91277404 (collectively, “Oppositions”).
2. To resolve said Oppositions, the Parties have agreed to terms of settlement.
3. One such term requires HungryPanda to, by consent, reclassify the services in pending application, U.S. Application Serial No. 88435427, from those currently listed under International Class 043 into International Class 039 as appropriate.
4. As designated by TBMP 514.02, the appropriate mechanism by which to amend the recitation of services in pending applications is by a consented Motion to the Board.
5. When a request to amend applications or registrations that are the subject of a Board *inter partes* proceedings is made with the consent of the other party or parties, and the proposed amendments are in accordance with the applicable rules and statutory provisions, the request ordinarily will be approved by the Board.

WHEREFOR, Applicant prays as follows:

- I. That in Application Serial No. 88/435,427, the services in IC 043 be amended as follows:

Current: **Providing food and drink ordered via the Internet, computer software, websites, applications, and mobile phones**

Proposed: ***Deleted***

II. That in Application Serial No. 88/435,427, the services in IC 039 be amended as follows:

Current: **Delivery of food by restaurants.**

Proposed: **Delivery of food and drinks ordered via the Internet, computer software, websites, applications, and mobile phones**

Dated: April 25, 2023

Respectfully Submitted,

SANDBERG PHOENIX & VON GONTARD P.C.



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CERTIFICATE OF SERVICE

I certify that on April 25, 2023, I served a copy of the above APPLICANT'S MOTION FOR AMENDMENT WITH CONSENT to all attorneys of record via the following e-mail addresses:

Attorneys for Opposer

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PANDA RESTAURANT GROUP, INC.

/Jason C. Schmidt /
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