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UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF THE GENERAL COUNSEL

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VIA Fax: (843) 676-3831

The Honorable R. Bryan Harwell
U.S. District Judge
C/O Clerk's Office
United States District Court
McMillan Federal Building
401 West Evans Street
Florence, SC 29501

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Re: *Firehouse Restaurant Group, Inc. v. Scurmont LLC*, No. 4:09-cv-00618-RBH (D.S.C.)

Dear Judge Harwell,

Thank you for the opportunity to be heard on this matter. The United States Patent and Trademark Office (USPTO) is entrusted with, and has a significant interest in, ensuring that trademark registrations procured by fraud are canceled. So long as the parties agree that the registration will not be renewed and accordingly will be canceled, the USPTO is not concerned whether the Court's judgment is vacated.

We would point out, however, that the parties' Joint Motion to Vacate (Dkt. No. 248) is mistaken when it states on page 5 that "the PTO will cancel the Registration in due course pursuant to 15 U.S.C. § 1058(a)." The Registration issued on Nov. 21, 2006. The period for the affidavit, under the provisions of this section, thus began running on Nov. 21, 2011, but does not expire until Nov. 21, 2012. Accordingly, the Registration is not at this time due to be canceled.

Please feel free to contact us if the Court desires additional information or input.

Respectfully submitted,
UNITED STATES PATENT AND TRADEMARK
OFFICE

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