

CONSENT TO USE AND REGISTRATION

This Consent to Use and Registration entered into the 20th day of September 2016, between The Hut.com Limited ("The Hut.com"), a Limited Company organized under the laws of the United Kingdom, located and doing business at Meridian House Rudheath, Gadbrook Park Northwich, Cheshire CW97RA United Kingdom and Cend Limited ("Cend"), a Limited Company organized under the laws of the United Kingdom, located and doing business at Ennis Close Roundthorn, Unit C, Industrial Estate, Manchester M23 9LE United Kingdom.

WHEREAS, The Hut.com has filed an application to register the mark MYPROTEIN in the United States Patent and Trademark Office ('USPTO) on March 23, 2016, namely, Application Serial No. 86/957042 covering various goods in Classes 18, 24, 25 and 28 ("The Hut.com's Goods");

WHEREAS, Cend is the registered owner of U.S. Registration No. 4766288 for the mark MYPROTEIN, issued in the USPTO, effective as of July 7, 2015, covering goods and services in Classes 5, 29, 30 and 35 ("Cend's Goods and Services");

WHEREAS, The Hut.com and Cend wish to resolve any dispute between them without the need for further action or litigation.

NOW, THEREFORE, in consideration of the mutual covenants and considerations

set forth herein, the parties agree as follows:

1. The pre-amble is true in all respects.

2. The Hut.com and Cend agree that The Hut.com's use and registration of the mark MYPROTEIN on and in connection with The Hut.com's Goods will not result in a likelihood of confusion with Cend's use and federal registration of the mark MYPROTEIN on Cend's Goods and Services; and

a. Cend will not file any Opposition against The Hut.com's pending application for the mark MYPROTEIN, namely, Application No. 86/957042 or seek to cancel any resulting registration which may issue from said application in the USPTO.

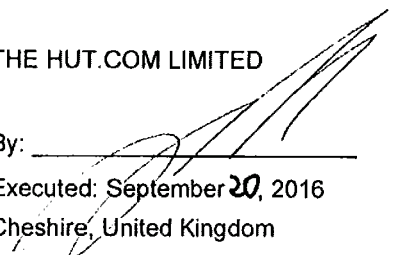
b. The Hut.com will not seek to cancel Registration No. 4766288 for the mark MYPROTEIN.

3. Cend agrees that The Hut.com may seek to register the mark MYPROTEIN on and in connection with The Hut.com's Goods, and that no confusion is likely to result by virtue of the coexistence of both parties' marks in the USPTO. Cend further agrees that The Hut.com may present this document to the USPTO in support of its application to register the trademark MYPROTEIN, namely, Application Serial No. 86/957042.


4. The parties agree that they shall cooperate in taking any reasonable action to avoid confusion and to correct any instances of likelihood of confusion which may come to their attention arising out of The Hut.com's use of the mark MYPROTEIN on The Hut.com's Goods and Cend's use of the mark MYPROTEIN on and in connection with Cend's Goods and Services.

5. This Consent to Use and Registration is executed by the duly authorized representatives of the parties and effective on the date set forth above.

THE HUT.COM LIMITED

By: 
Executed: September 20, 2016
Cheshire, United Kingdom

CEND LIMITED

By: 
Executed: September 20, 2016
Manchester, United Kingdom