

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Opposition No. 113,625

Innoventions, Inc.
(Texas)

v.

Innoventions, Inc.
(Michigan)

Andrew P. Baxley, Interlocutory Attorney:

Consideration of the proposed amendment to involved application Serial no. 75/346,908 that applicant filed on February 25, 2002 is deferred so as to allow the opposers in Opposition Nos. 113,623 and 113,624 time to oppose or consent to such proposed amendment.¹ See Trademark Rule 2.133; TBMP Section 514.

¹ A preliminary review of the proposed amendment indicates that, while the proposed identification of goods set forth therein is limiting in nature, as required by Trademark Rule 2.71(b), the proposed reclassification of such goods in International Class 10 is inappropriate. The goods at issue are in the nature of optical apparatus and do not appear to be used for medical treatment. As such, notwithstanding applicant's use of the words "medical apparatus" at the beginning of the proposed amendment to the identification of goods, they are properly classified in International Class 9. Moreover, any amendment to the classification of goods after publication would require republication of the involved application following the disposition of this proceeding. See TMEP Section 1505.01(b).