

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

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Mailed: February 27, 2003

Opposition No. 119,510

Guess?, Inc.

v.

Dirk N. Rockhold

**Albert Zervas, Interlocutory Attorney**

On July 29, 2002, applicant filed a proposed amendment to amend the drawing in application Serial No. 75/660,655, with opposer's written consent.<sup>1</sup> By the proposed amendment, applicant's seeks to amend the recitation of services from "preparing audio-video presentations for use in advertising in the lodging industry" to "preparing audio-video presentations for use in cable television advertising in the lodging industry." Applicant also seeks to amend the mark depicted in the drawing from GUESTV to GUEST TV, to amend the stylization of the mark and to invert the shading of the design.

The Board first considers the proposed amendment to the recitation of services. Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and

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because opposer consents thereto, the parties are advised that it would be acceptable if filed alone or with an acceptable amendment to the drawing. See below, and Trademark Rule 2.133(a).

With respect to the proposed amendment of the drawing, the proposed amendment is unacceptable because changing the mark from GUESTV to GUEST TV would materially alter the character of the mark. See 37 C.F.R. §2.72(a); TMEP section 807.14(a); and *In re Wine Society of America Inc.*, 12 USPQ2d 1139 (TTAB 1989). Accordingly, applicant's consented motion is hereby denied.

Because the amendment was made in an effort to settle this proceeding, proceedings remain suspended for **three months** from the mailing date of this order to allow the parties to attempt to negotiate an acceptable amendment to the mark.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

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<sup>1</sup> The Board regrets the delay in turning to applicant's motion.