

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

vw

Mailed: February 22, 2008

Opposition No. 91163702

DAVINCI DENTAL STUDIOS, INC.

v.

CONTESSA DA VINCI s.r.l.

Ann Linnehan, Interlocutory Attorney:

On January 7, 2008, applicant filed a proposed amendment to its application Serial No. 75796383 with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods in Class 3 **from:**

"after shave lotions, antiperspirants, bath salts, not for medical use, beauty masks, cakes of toilet soaps, cleansing milk for toilet purposes, cosmetic creams, dentifrices, deodorant soap, deodorants for personal use, essential oils for personal use, eyebrow pencils, hair spray, hair lotions, hair colorants, sachets for perfuming linen, lipsticks, lotions for cosmetic purposes, make-up, make- up powder, mascara, perfumes, oils for cosmetic purposes, oils for toilet purposes, rouge, scented water, shampoos, shaving soaps, toilet soap, sun tanning preparations, talcum powder, tissues impregnated with cosmetic lotions, nail varnish, nail polish, varnish removing preparations"

To:

"after shave lotions, antiperspirants, bath salts, not for medical use, beauty masks, cakes of toilet soaps, cleansing milk for toilet purposes, cosmetic creams, deodorant soap, deodorants for personal use, essential oils for personal use, eyebrow pencils, hair spray, hair

lotions, hair colorants, sachets for perfuming linen, lipsticks, lotions for cosmetic purposes, make-up, make-up powder, mascara, perfumes, oils for cosmetic purposes, oils for toilet purposes, rouge, scented water, shampoos, shaving soaps, toilet soap, sun tanning preparations, talcum powder, tissues impregnated with cosmetic lotions, nail varnish, nail polish, varnish removing preparations"

The identification of goods in classes 9, 14, 16, 20 and 25 remains unchanged.

The amendment is clearly limiting in nature, as required by Trademark Rule 2.71(a). Because opposer consents thereto, it is approved and entered. See Trademark Rule 2.173.

Proceedings herein are suspended. If entry of the foregoing amendment resolves this case, opposer should withdraw the opposition within **thirty days** of the mailing date of this order, failing which the opposition will go forward on the application as amended. Trademark Rule 2.133(a).

In addition, the Board notes that applicant's proposed amendment does not appear to have been served upon opposer in accordance with Trademark Rule 2.119. To expedite this matter, however, a copy of the proposed amendment is attached to opposer's copy of this order. Strict compliance with Trademark Rule 2.119 is required for all future filings.

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and

Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>