

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

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Mailed: December 14, 2007

Opposition No. 91174610

Exxon Mobil Corporation

v.

Peter Cremer North
America, L.P.

Linda Skoro, Interlocutory Attorney

On November 15, 2007, applicant filed its motion to amend its application Serial No. **78771526** in International Class 1 and International Class 4, in accordance with a settlement agreement between the parties and with opposer's consent.

By the proposed amendment, applicant seeks to delete all of the goods in International Class 1 in their entirety and to change the identification of the remaining class 4 goods **from:**

"Bio-diesel fuels"

to the following

"Bio-diesel fuels excluding fuels derived from
petroleum compounds"

If an applicant files a request to amend the application to delete an opposed class, the request for amendment is, in effect, an abandonment of the application with respect to that class. See TBMP §602.01 (2d ed. rev. 2004).

In view thereof, application Serial No. **78771526** stands abandoned in Class 1 only. See Trademark Rule 2.135. The opposition is dismissed without prejudice with respect to that class. See Trademark Rule 2.106(c).

Additionally, inasmuch as the amendment to Class 4 is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer consents thereto, the amendment to Class 4 is approved and entered. See Trademark Rule 2.133(a).

The opposer is allowed **thirty** days from the mailing date of this order to file a withdrawal of opposition with respect to Class 4, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).

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>