

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

Mailed: September 17, 2008

Opposition No. **91177858**

Zanella Ltd.

v.

Nordstrom, Inc.

Cheryl Goodman, Interlocutory Attorney:

It has come to the Board's attention that no fees were paid in respect to applicant's motion to amend to add a counterclaim to cancel all five of opposer's pleaded registrations.

A counterclaim for cancellation is the legal equivalent of a separate petition to cancel and the required fee must be paid in order for the Board to have jurisdiction. See Trademark Rules 2.106(b)(2)(iii) and 2.144(b)(2)(iii); TBMP Section 313.02 (2d ed. rev. 2004); and *Williamson-Dickie Manufacturing Co. v. Mann Overall Company*, 359 F.2d 450, 149 USPQ 518, 520 (CCPA 1966) (payment of fee is necessary to give Board jurisdiction). Therefore, the Board cannot consider the pending motion to amend to add the counterclaim or the motion for summary judgment based on the counterclaim at this time.

Applicant is allowed until TWENTY DAYS from the mailing date of this order to pay the necessary fees. In the event that the fees are not paid, the motion to amend and the motion for summary judgment will be given no further consideration and proceedings will resume with appropriate dates reset.

The Board regrets any delay in notifying applicant of the fee deficiency.

Proceedings herein remain otherwise suspended.