

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

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Mailed: May 2, 2009

Opposition No. 91181516

Blufin, S.p.A.

v.

Molnari, Inc.

**Frances S. Wolfson, Interlocutory Attorney:**

On March 27, 2009, applicant filed a proposed amendment to its application Serial No. 77059406, with a copy of the parties' settlement agreement.<sup>1</sup> Under the terms of the agreement, applicant agreed to file an amendment to its application and opposer agreed to withdraw the notice of opposition with prejudice subject to acceptance of the proposed amendment. Accordingly, opposer's consent to the proposed amendment is implicit in the terms of the parties' agreement.

By the proposed amendment, applicant seeks to change the identification of goods in International Class 9 **from** "Eyewear accessories, namely, straps, neck cords and head straps which restrain eyewear from movement on a wearer;

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<sup>1</sup> Applicant's proposed amendment does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said proposed amendment is forwarded herewith to counsel for opposer.

Helmets for motorcyclists; Motorcycle goggles; Motorcycle helmets; Mouse pads; Protective eyewear and component parts thereof; Protective face-shields for protective helmets; Protective helmets; Safety eyewear"

to

"Helmets for motorcyclists; Motorcycle helmets; Mouse pads; Protective face-shields for protective helmets; Protective helmets."

and in International Class 25 **from**

"Bandanas; Beanies; Gloves; Gloves including those made of skin, hide or fur; Jogging suits; Motorcycle gloves; Polo shirts; Riding gloves; Rugby tops; Shirts; Short-sleeved or long-sleeved t-shirts; Ski gloves; Snowboard gloves; Sweat shirts; T-shirts"

to

"Bandanas; Beanies; Jogging suits; Motorcycle gloves; Riding gloves; Short-sleeved or long-sleeved t-shirts bearing winged lion logo for use by company or franchise employees; Maintenance shirts bearing winged lion logo for use by company or franchise employees; Ski gloves; Snowboard gloves."<sup>2</sup>

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).

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<sup>2</sup> Although applicant's amendment requests that "maintenance shorts" be included in the amended identification of goods in Class 25, it is clear from the agreement and confirmed by telephone conference with applicant's attorney on April 15, 2009, that the item should be "maintenance shirts."

Proceedings otherwise remain suspended.

**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](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>