

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

dmd/jt

Mailed: May 21, 2008

Opposition No. 91181950

Nabaltec AG

v.

Huntsman Advanced Materials
(Switzerland) GmbH

Denise M. DelGizzi, Supervisory Paralegal Specialist

Application Serial No. 79028600, the subject of this opposition proceeding, is a request for extension of protection to the United States filed pursuant to Trademark Act § 66(a), 15 U.S.C. § 1141F (a). At publication, the identification of goods read as follows:

Chemicals for use in industry; unprocessed resins used as raw materials in solid or liquid form; polymer base compositions used in the manufacture of commercial and industrial goods; polymer base compositions used in the manufacture of electronics, composites and in the aerospace industry; unprocessed polymer base beads used in the manufacturing of commercial and industrial goods and in the aerospace industry; unprocessed benzoxazine chemicals for use in industry; unprocessed base polystyrene resins including or namely foam and styrene monomers in International Class 01:

Plastics in extruded form for general industrial use; plastics in extruded form for use in manufacturing; commercial packing material and insulating material, namely, non-

metal hoses, laminates namely foil consisting primarily of plastic with or without a metal layer for application to a substrate and fiber laminates for wrapping conduits and cable trays; benzoxazine as semi-manufactured products, namely rubber, composites in the form of profiles, boards, sheets, rods, powder, and pellets for use in manufacturing, and molded foam insulated container packing for commercial use; flexible non-metal pipes in International Class 17.

This opposition commenced on January 15, 2008 with the filing of a notice of opposition against the registration of the mark identified in Application Serial No. 79028600 for all of the goods identified in Classes 1 and 17.

On February 6, 2008, the International Bureau ("IB") of the World Intellectual Property Organization transmitted to the USPTO a Restriction of Protection of Goods and Services in an International Registration by which the USPTO was notified that as to the goods identified in Classes 1 and 17, there had been "partial ceasing of effect of the basic registration" upon which the involved extension of protection is based. As a consequence, the identification of goods was amended in the involved extension of protection. See 37 CFR § 7.30, Trademark Rule 7.30. The identification of goods in involved Application Serial No. 79028600, by de facto amendment, now reads as follows:

Polymer base compositions used in the manufacture of electronics, composites and in the aerospace industry in International Class 1; and

Benzoxazine as a semi-manufactured products, namely rubber, composites in the form of profiles, boards, sheets, rods, powder, and pellets for use in manufacturing, and molded foam insulated container packing for commercial use in International Class 17.

The effective date of the modification of the International Registration is July 19, 2007, a date which is prior to the commencement of this opposition. Accordingly, opposer is allowed until **thirty days** from the mailing date of this order to notify the Board whether it wishes to proceed with the opposition with the amended identification, or to have the opposition dismissed as a nullity and the fee refunded.

The proceedings herein are otherwise 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

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>