

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

EJW

Mailed: July 15, 2009

Opposition No. 91183936

Hollywood Chamber of Commerce

v.

Hollywood Mobile, Inc.

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

In its order mailed May 13, 2009, the Board advised applicant that it had not provided either a drawing of the amended mark in color or a substitute specimen of use showing the amended color mark, and allowed applicant time to amend the description of the mark so that it would coincide with the black, white and gray appearance of the mark on the substitute drawing page and substitute specimen of use submitted by applicant on December 12, 2008.

It has since come to the attention of the Board that while the electronic (uploaded) version of applicant's revised drawing page and substitute specimen of use show the amended mark in the colors black, white and gray, the documents actually submitted by applicant by U.S. mail indeed show the amended mark in color on the drawing page and on the

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substitute specimen of use.¹ In view thereof, because applicant's proposed amendment to the mark, *i.e.* showing the word "HOLLYWOOD" in a "straight" design format, is not a material alteration, and because opposer consents thereto, the amendment to the mark is approved and entered.² See Trademark Rules 2.72 and 2.133(a); and Trademark Manual of Examining Procedure (TMEP) § 807.14 (5th ed. 2007).

In view of the foregoing, if the approved amendment to the mark 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).

This proceeding remains 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

¹ As a general rule, the Board's electronic filing system (ESTTA) is not compatible with color documents.

² The revised drawing of the mark without the designation "TM" was uploaded on June 24, 2009 and may be viewed at the following web site address under the designation "Amended Drawing": <http://tportal.uspto.gov/external/portal/tow?SRCH=Y&isSubmitted=true&details=&SELECT=US+Serial+No&TEXT=78597638#>. Cf. TMEP § 707.02 (5th ed. 2007) (allowing examiner's amendments without prior authorization of applicant for correction of obvious typographical errors).

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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>