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Mailed: June 23, 2010

**Opposition No. 91186497  
(parent case)  
Opposition No. 91186518**

Mara T. Sofferin

v.

Samantha Kelman

Jennifer Krisp, Interlocutory Attorney:

The Board notes that on January 27, 2010, the parties filed applicant's proposed consented amendment to its application Serial Nos. 77258307 and 77259002, and opposer's withdrawal of the oppositions, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to amend each application "to reflect that Sofferin is a joint applicant and the co-owner of the trademarks which are the subject of the Applications ("the Save Our Women Trademarks")... Upon the Applications being amended to reflect that Sofferin is a joint applicant and co-owner of the Save our Women Trademarks, the pending Consolidated Oppositions shall be dismissed, in accordance with the Confidential Settlement Agreement of the parties."

If an amendment is filed in an application that is the subject of an opposition, the Board has jurisdiction over the

application and will determine the propriety of the amendment. See TBMP § 212.07 (2d ed. rev. 2004). In this matter, the parties seek to effectuate a change in ownership (from an individual applicant to two individuals as "joint applicants") in each of the use-based opposed applications. Such a transfer of rights in a mark is an amendment requiring the filing and recordation of a proper assignment document with the Assignment Services Division of the USPTO. *Cf.* 37 C.F.R. § 3.85; TBMP § 512.01 (2d ed. rev. 2004).

To ensure that the registrations will issue in the name of both assignees, the assignees must file a written request in the Board proceeding, by the time the applications are prepared for issuance of the certificates of registration, In addition, appropriate documents must be of record in the Assignment Services Division of the USPTO, or the written request must state that the document has been filed for such recordation. Finally, the address of the assignee must be made of record in the application file. *Id.* See also, generally, TMEP Chapter 500: "Change of Ownership."

Inasmuch as it appears, from the January 27, 2010 consented motion, that the intent of the parties is to effectuate a change in ownership of the involved applications, and inasmuch as the Office records, to date, reflect that no assignment documents have been recorded in either of the two involved applications, proceedings herein remain **suspended until July 25, 2010,** to allow the parties

time in which to file documentation, as appropriate, in compliance with the procedural authorities cited above.

If no motion or paper is filed in this parent proceeding on or prior to July 25, 2010, indicating the parties' compliance therewith, these consolidated oppositions **shall resume on July 26, 2010,** without further order from the Board, and shall proceed in accordance with the following trial schedule:

Plaintiff's Pretrial Disclosures	8/27/2010
Plaintiff's 30-day Trial Period Ends	10/11/2010
Defendant's Pretrial Disclosures	10/26/2010
Defendant's 30-day Trial Period Ends	12/10/2010
Plaintiff's Rebuttal Disclosures	12/25/2010
Plaintiff's 15-day Rebuttal Period Ends	1/24/2011

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.