

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

Mailed: April 14, 2012

Opposition No. 91198140

CCA Global Partners, Inc.

v.

Patenta Asia Ltd.

Denise M. DelGizzi,
Technical Program Manager:

Application No. 79067104, 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 and services read as follows:

Plastics in extruded form for use in manufacture of profiles; plastic substances (semi-processed), namely, polyvinyl chloride and polyvinyl chloride composite with natural fibers in International Class 17;

Building materials, namely, parquet flooring, parquet floor boards, non-metal floor panels, non-metal floors, non-metal window frames, non-metal door frames, non-metal cladding for construction and building, wall boards and panels not of metal, wall linings not of metal, for building, linings not of metal, for building; building materials consisting of non-metallic hybrid materials, predominantly of plastic substances; building materials consisting of non-

metallic hybrid materials, predominantly of plastic substances, namely, parquet flooring, parquet floor boards, non-metal floor panels, non-metal floors, non-metal window frames, non-metal door frames, non-metal cladding for construction and building, wall boards and panels not of metal, wall linings not of metal, for building, linings not of metal, for building; veneer consisting of non-metallic hybrid materials, predominantly of plastic substances in International Class 19;

Furniture, mirrors, picture frames; goods (included in this class) of materials consisting of non-metallic hybrid materials, predominantly of plastic substances, namely, furniture, mirrors, picture frames in International Class 20; and

Retail store services featuring the goods of classes 17, 19 and 20, namely, plastics in extruded form for use in manufacture, plastic substances (semi-processed), namely, polyvinyl chloride and polyvinyl chloride composite with natural fibers, building materials, namely, profiles consisting of non-metallic hybrid materials, predominantly of plastic substances, building materials consisting of non-metallic hybrid materials, predominantly of plastic substances, veneer consisting of non-metallic hybrid materials, predominantly of plastic substances, furniture, mirrors, picture frames, goods of materials consisting of non-metallic hybrid materials, predominantly of plastic substances, namely, furniture, mirrors, picture frames in International Class 35

This opposition commenced on January 7, 2011, with the filing of a notice of opposition against the registration of the mark identified in Application No. 79067104 for all of the goods identified in Class 19 only.

On October 13, 2011, the International Bureau ("IB) of the World Intellectual Property Organization¹ transmitted to the USTPTO a "Restriction of Protection of Goods and Services in an International Registration," by which the USPTO was notified that all of the goods identified in Class 19 had been removed from the International Registration upon which the involved extension of protection is based.² As a consequence, these goods were removed from the involved extension of protection. See 37 CFR § 7.30, Trademark Rule 7.30. The identification of goods in involved Application No. 79067104, by de facto amendment, now reads as follows:

Plastics in extruded form for use in manufacture of profiles; plastic substances (semi-processed), namely, polyvinyl chloride and polyvinyl chloride composite with natural fibers in International Class 17;

Furniture, mirrors, picture frames; goods (included in this class) of materials consisting of non-metallic hybrid materials, predominantly of plastic substances, namely, furniture, mirrors, picture frames in International Class 20; and

¹ The IB administers International Registrations ("IRs") granted to filers in countries which are signatories of the Madrid Protocol. The IR serves as the basis for requests for extension of protection to other signatory states, such as the application involved in this proceeding. As such, the extension of protection may not exceed the scope of the IR, and a restriction of the IR will result in a corresponding restriction in the request for extension of protection.

² The effective date of the modification of the International Registration is June 14, 2011, a date which is subsequent to the commencement of this opposition.

Retail store services featuring the goods of classes 17 and 20, namely, plastics in extruded form for use in manufacture, plastic substances (semi-processed), namely, polyvinyl chloride and polyvinyl chloride composite with natural fibers, building materials, namely, profiles consisting of non-metallic hybrid materials, predominantly of plastic substances, building materials consisting of non-metallic hybrid materials, predominantly of plastic substances, veneer consisting of non-metallic hybrid materials, predominantly of plastic substances, furniture, mirrors, picture frames, goods of materials consisting of non-metallic hybrid materials, predominantly of plastic substances, namely, furniture, mirrors, picture frames in International Class 35

In an opposition to an application having multiple classes, if the applicant amends the application to delete an entire class of goods, the amendment is considered an abandonment of those goods and is governed by 37 CFR § 2.135. See Generally TBMP § 602.01 (3d ed. rev. 2011). See also 37 CFR § 7.25.

Pursuant to 37 CFR § 2.135, Trademarks Rule 2.135, "(a)fter the commencement of an opposition, concurrent use, or interference proceeding, if the applicant files a written abandonment of the application of the mark without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant."

It is noted, however, that the parties are currently involved in settlement negotiations. Accordingly, applicant is allowed until **THIRTY DAYS** to obtain opposer's written consent to the amendment of the involved extension

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of protection, failing which judgment with regard to International Class 19 will be entered against applicant in accordance with Trademark Rule 2.135.

Proceedings herein remain otherwise suspended.