

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: July 25, 2014

Opposition No. 91216624

Proscape Technologies, Inc.

v.

Appmachine B.V.

Karl Kochersperger, Paralegal Specialist:

The answer filed by applicant on July 8, 2014 is noted and entered. Applicant asserts a "counterclaim." However, such "counterclaim" will not be considered because the only counterclaims the Board considers are those to cancel a plaintiff's registration (usually the one(s) pleaded). *See UMG Recordings Inc. v. Mattel Inc.*, 100 USPQ2d 1868, 1873 (TTAB 2011) (jurisdiction of Board is limited to trademark registrability and Board will not consider counterclaims to cancel "future" registrations). Moreover, there is a fee for a counterclaim and applicant has not submitted any fee. *See Trademark Rules 2.106(b)(2) and 2.111; and TBMP §313.*

Accordingly, the "counterclaim" set forth by applicant is stricken. All dates remain as previously set.