

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Taylor

Mailed: August 20, 2003

Cancellation No. 92042020

Mitsubishi Fuso Truck and
Bus Corporation,
substituted for
Mitsubishi Motors
Corporation

v.

Walter Truck Corporation

Jyll S. Taylor, Attorney:

On May 1, 2003, petitioner filed an "amended petition for cancellation."¹ A reading of the "amended petition" reveals that it is, in fact, a motion to substitute Mitsubishi Fuso Truck and Bus Corporation" as party plaintiff in this matter. Inasmuch as it appears that party plaintiff was misidentified, the motion is granted and the amended petition for cancellation is petitioner's operative pleading in this case. *Cf.* TBMP Section 303.05(c)(2d ed. June 2003).

It is further noted that respondent's copies of the institution order and petition for cancellation have been returned by the U.S. Postal Service as undeliverable.

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However, the Board notes that petitioner has alleged in the petition for cancellation that the involved registration has been acquired by Kovatch Mobile Equipment. Accordingly, the Board will send a courtesy copy of the institution notice and petition to Kovatch at the address set forth below and, if there has been a transfer of interest in the mark, Kovatch should within **forty days** of the mailing date of this order file evidence of any transfer of ownership of involved Registration No. 226700 and answer or otherwise plead to the petition for cancellation. If no response from Kovatch is received, the Board will serve the petition for cancellation by publication.

Proceedings herein are otherwise suspended. If and when proceedings are resumed, appropriate dates will be reset.

Cc:

Kovatch Mobile Equipment
One Industrial Complex
Nesquehoning, PA 18240-1499

¹ Because the motion was filed before the institution of this proceeding, a copy thereof is included with respondent's copy of this motion.