

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3514

Taylor

Mailed: April 28, 2004

Cancellation No. 92042254

Central Products Company
and Intertape Polymer
Corporation

v.

3M Company

Jyll S. Taylor, Attorney:

On July 28, 2003, petitioner filed an amended petition to cancel. Pursuant to Fed. R. Civ. P. 15(a), a party to an inter partes proceeding before the Board may amend its pleading once as a matter of course at any time before a responsive pleading is served. An amendment filed as a matter of course need not be accompanied by a motion for leave to amend. See also Beth A. Chapman, *TIPS FROM THE TTAB: Amending Pleadings: The Right Stuff*, 81 Trademark Rep. 302(1991).

Inasmuch as there has been no responsive pleading filed in this case, petitioner's motion to amend is granted and the amended petition to cancel (filed July 28, 2003) is now petitioner's operative pleading in this case.

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The parties' stipulated motion (filed August 29, 2003) to suspend these proceedings pending determination of Civil Action No. 03-2651 (JRT/FLN) is granted. See Trademark Rule 2.117(a).

Accordingly, proceedings are suspended pending final disposition of the civil action between the parties.

Within twenty days after the final determination of the civil action, the interested party should notify the Board so that this case may be called up for action, including setting applicant's time to answer the amended petition to cancel, if appropriate. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.