

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

Mailed: September 24, 2004

Cancellation No. 92042915

GFI AMERICA, INC

v.

GFA Brands, Inc.

Clara Vela, Paralegal Specialist

On August 24, 2004, the parties filed registrant's proposed amendment to its Registration No. 2302961, with petitioner's consent, and petitioner's withdrawal of the petition to cancel, contingent upon entry of the amendment.

By the proposed amendment registrant seeks to change the identification of goods **from** "Cheese, lowfat and nonfat cheese substitutes, butter substitutes, margarine, lowfat and nonfat margarine substitutes, shortening, lowfat and nonfat shortening, snack food dips and vegetable oils" **to** "Cheese, lowfat and nonfat cheese substitutes, butter substitutes, margarine, lowfat and nonfat margarine substitutes."

While the amendment is clearly limiting in nature, and petitioner consents thereto, as required under Trademark Rule 2.133(a), Trademark Rule 2.173(a) requires that a request to amend a registration "be signed by registrant and verified or

include a declaration under §2.20 and must be accompanied by the required fee". Respondent's motion to amend was not signed by respondent nor did it include a declaration or verification under Section 2.20 and the appropriate fee has not been paid. See Trademark Rules 2.6 and 2.173.

Accordingly, registrant is allowed thirty days from the mailing date of this order to submit a properly-executed request to amend its registration and the appropriate fee, failing which the proposed amendment will be given no further consideration. Proceedings are otherwise suspended.

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