

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

APB/jtl

Mailed: October 24, 2005

Cancellation No. 92042951

Michelin North America, Inc.

v.

Carlisle Intangible Company
(by name change from
Carlisle Management Company)¹

Andrew Baxley, Interlocutory Attorney:

On April 8, 2005, respondent filed a consented motion to amend its Registration No. 2,595,712.² On May 16, 2005, respondent supplemented that motion by filing a drawing of the amended mark.

By its motion, respondent seeks to amend change the identification of goods in its involved Registration No. 2,595,712 **from** "land vehicle parts, namely tires, wheels, and tire and wheel assemblies consisting of a tire mounted on a wheel" **to** "land vehicle parts, namely, specialty tires, wheels, and tire and wheel assemblies, consisting of a tire mounted on a wheel for use on lawn and garden vehicles and

¹ Inasmuch as a document reflecting such name change is recorded with the USPTO's Assignment Branch at Reel 2625, Frame 0587, the caption of this proceeding has been amended to so reflect. See TBMP Section 512.02 (2d ed. rev. 2004).

² The motion to amend is accompanied by the required filing fee for an amendment to a registration.

ATVs" and to amend the mark in the drawing from "X TRAC" to "XTRAC." As an exhibit to its consented motion, respondent included a specimen showing use of the mark in the proposed amendment.

The proposed amendment to the identification of goods is limiting in nature and thus complies with Trademark Rules 2.71(a) and 2.173. Further, the proposed amendment to the mark in the drawing is not a material alteration of the registered mark. See Trademark Rules 2.72(a) and 2.173(a). In view of and petitioner's consent thereto, the proposed amendments are approved. See Trademark Rule 2.133(a).

The registration file will be forwarded to the Post Registration Branch of this Office for appropriate action in accordance with Section 7(e) of the Trademark Act.

Proceedings herein are suspended retroactive to April 8, 2005. If this order resolves the parties' dispute, petitioner is allowed until thirty days from the mailing date of this order to file a withdrawal of the petition to cancel, failing proceedings will be resumed and appropriate dates will be reset. See Trademark Rule 2.114(c).