

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

cv/MCF

Mailed: June 4, 2007

Cancellation No. 92045343

Erica Curtis

v.

Pacific Coast Feather
Company

**Thomas W. Wellington,
Administrative Trademark Judge:**

On April 17, 2007, petitioner filed a copy of the parties' "joint request for entry of a final order" that includes copies of: (1) a proposed "final order," and (2) the parties' settlement agreement. The proposed final order includes an amendment to the subject Registration No. 2996662; a finding that there is no likelihood of confusion between the marks in petitioner's pending application and the subject registration, as amended; and a lifting of the suspension of petitioner's application.

Several provisions in the proposed final order involving petitioner's application are beyond the jurisdiction of the Board. Specifically, the Board has no jurisdiction over plaintiff's applications which are still pending before the trademark examining attorney. See TBMP § 605.03(c) (2d ed.

rev. 2004) (includes an explanation on procedure for submitting settlement agreements that include amendments to applications owned by a plaintiff but within the jurisdiction of the trademark examining attorney).

Because it is unclear if said provisions are contingencies in the settlement agreement and final order, the Board defers consideration of the proposed amendment to the subject registration (in any event, as explained below, respondent must also submit the appropriate fee for the amendment).

Suspension

Because the parties are obviously attempting to settle this matter, proceedings are hereby suspended for ninety days from the mailing date of this order.

Amendment to Registration

By the proposed amendment registrant seeks to change the identification of goods **from** "pillows" **to** "pillows, namely, for adults only."

While the amendment is clearly limiting in nature, and petitioner consents thereto, as required under Trademark Rules 2.133(a) and 2.173(b), the appropriate fee has not been paid. See Trademark Rules 2.6 and 2.173.

Should respondent seek to amend its registration, it must submit the appropriate fee, failing which the proposed amendment will be given no further consideration.