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

Mailed: June 6, 2008

Cancellation No. 92048667

Jules Jurgensen/Rhapsody, Inc.

v.

Peter Baumberger

Ann Linnehan, Interlocutory Attorney

Respondent filed its answer to the petition to cancel on March 7, 2008. On April 25, 2008 petitioner filed an amended petition to cancel without seeking leave to amend.

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. Thereafter, a party may amend its pleading only by written consent of every adverse party or by leave of the Board. See TBMP Section 507.02 (2d ed. rev. 2004).

Inasmuch as petitioner filed its amended petition after respondent served his answer, such filing should have been accompanied by a motion for leave to amend. Nonetheless, the Board notes that respondent has filed his amended answer

to the amended petition to cancel. The Board construes such submission as respondent's consent.

In view thereof, both the amended petition and answer are accepted into the record and are now the operative pleadings.

Dates remain as previously set.