

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

Mailed: September 10, 2008

Cancellation No. 92048815

Blowfish LLC

v.

Dean Rohn, and Debbie Rohn

**Robert H. Coggins,  
Interlocutory Attorney:**

On July 2, 2008, petitioner filed a stipulated withdrawal of the petition to cancel. The withdrawal was granted by the Board on July 28, 2008, and the cancellation proceeding was dismissed and terminated. Thereafter, on August 7, 2008, respondents filed with the Board an amendment to the involved U.S. Registration No. 3290738.<sup>1</sup>

Inasmuch as the cancellation proceeding was terminated prior to the time when respondents' amendment was filed, U.S. Registration No. 3290738 was not the subject of an active cancellation proceeding at the Board. Moreover, the Board notes that the amendment was not executed or signed by respondents or their attorney until after termination of the proceeding. While requests to amend registrations that are the

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<sup>1</sup> The filing fails to indicate proof of service on petitioner as required by Trademark Rule 2.119. In order to expedite this matter, petitioner is directed to the following URL where it may view a copy of the filing:

<http://ttabvueint.uspto.gov/ttabvue/v?pno=92048815&pty=CAN&eno=8>

subject of *inter partes* proceedings before Board are handled by the Board, requests to amend registrations that are not (or are no longer) the subject of *inter partes* proceedings before Board are handled by the Post Registration Section of the Office. See 37 C.F.R. §2.133; TBMP §§514 *et seq*; and TMEP §§1609.01 *et seq*.

Although under some circumstances it may be appropriate for the Board to forward an amendment to the Post Registration Section of the Office, respondents' motion at issue herein will not be forwarded because it is otherwise procedurally deficient. Specifically, respondents failed to pay the appropriate fee required for amendment and failed to submit a proper verification or declaration under Trademark Rule 2.20. See Trademark Rules 2.6(a)(11), 2.20, and 2.173; and TMEP §§804.01(a) and 804.01(b).

In view of the circumstances herein, respondents' motion to amend will be given no further consideration by the Board. Respondents may wish to file their amendment, fee, and supporting declaration under Trademark Rule 2.20 with the Post Registration Section of the Office.<sup>2</sup>

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<sup>2</sup> A request for amendment under Section 7 of the Trademark Act may be filed electronically with the Office by selecting the "Section 7 Request for Amendment or Correction of Registration Certificate" link at the following URL: <http://www.uspto.gov/teas/index.html>.