

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

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Mailed: September 5, 2012

Opposition No. 91169226

Cancellation No. 92049146

Arcadia Group Brands Ltd

v.

Studio Moderna SA

**Elizabeth A. Dunn, Attorney (571-272-4267):**

On July 31, 2012, applicant/registrant Studio Moderna SA filed a proposed amendment to its application Serial No. 78239078 and Registration No. 3389652, with opposer/petitioner's written consent.

By the proposed amendment to its application, Studio Moderna SA seeks to add the language shown in **bold** at the end of the description of services in International Class 35:<sup>1</sup>

"Providing home shopping services in the field of general consumer merchandise by means of television; order taking for goods of others; order processing and fulfillment services; advertising, marketing and promotional services for goods of others, namely preparing and placing advertisements in print, radio, television, catalogs and via a global communications network;

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<sup>1</sup>The application includes five classes of goods and services, but only Int. Cl. 35 was opposed.

direct response retail services by means of infomercials in the field of general consumer merchandise; production and distribution of infomercials; promoting the sale of goods and services of others and preparing and placing advertisements through a global computer network; import, export and distributorship services featuring general consumer merchandise; mail order catalog services featuring general consumer merchandise; arranging and conducting sales and marketing conferences; mail order services, mail order catalog services, on-line retail services and electronic catalog services in the field of general consumer merchandise **none of the aforesaid services being offered in relation to, or being used in connection with, retail store services, fashion, clothing, hosiery, footwear, headgear, hair accessories, bags, millinery, jewelry, imitation jewelry, watches, eyewear, cosmetics and fashion accessories**

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

By the proposed amendment to its registration, Studio Moderna SA seeks to add the language shown in **bold** at the end of the description of International Class 35 services:

On-line retail services in the field of general consumer merchandise **none of the aforesaid services being offered in relation to, or being used in connection with, retail store services, fashion, clothing, hosiery, footwear, headgear, hair accessories, bags, millinery, jewelry, imitation jewelry, watches, eyewear, cosmetics and fashion accessories**

Although the amendment appears otherwise acceptable, the proposed amendment was neither (1) verified or supported by a declaration under Trademark Rule 2.20, nor (2) accompanied by the proper fee. See Trademark Rules 2.6(a)(11) and 2.173.

Accordingly, Studio Moderna SA is allowed thirty days from the mailing date of this order to submit the appropriate declaration and required fee in support of the amendment to the registration, failing which the proposed amendment will be given no further consideration and the Board will resume proceedings.

Proceedings are otherwise suspended.

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