

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

vw/apb

Mailed: May 7, 2009

Cancellation No. 92049402

ImClone LLC ¹

v.

Louhann

Andrew P. Baxley, Interlocutory Attorney:

On May 1, 2009, the parties filed a stipulation to amend respondent's involved Registration No. 3402003 and to the withdrawal without prejudice of the petition to cancel upon entry of the amendment.

By the proposed stipulated amendment, respondent seeks to change the identification of goods by adding the following wording at the conclusion thereof: "; none of the foregoing in the field of cancer treatment or labeled, advertised or promoted for use by or on cancer patients."

The amendment is limiting in nature, and petitioner consents thereto. See Trademark Rules 2.133(a) and 2.173(e). However, until respondent submits the appropriate filing fee

¹In view of the recordation of petitioner's conversion document with the USPTO's Assignment Branch at Reel 3927, Frame 0929, the caption of this proceeding has been amended to the form set forth shown hereinabove.

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for an amendment to a registration, the amendment cannot be approved or entered. See Trademark Rules 2.6(11) and 2.173(b)(1).

Respondent is allowed until **twenty days from the mailing date set forth in this order** to submit the appropriate filing fee. Consideration of the withdrawal of the petition to cancel is deferred. Proceedings herein are otherwise suspended.