

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

Mailed: August 19, 2009

Cancellation No. 92049718

Saul Zaentz Company d.b.a.
Tolkien Enterprises

v.

YNK KOREA CO. LTD.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

On July 31 and August 7, 2009, respondent filed its proposed amendment to its Registration Nos. 3328132 and 3328133, with petitioner's consent, and in accordance with settlement.

By the proposed amendment registrant seeks to change the marks by adding a period or a dot after each character. More specifically, respondent seeks to amend the drawing for Registration No. 3328132 **from** ROHAN **to** R.O.H.A.N. Respondent seeks to amend the drawing for Registration No. 3328133 from

The image shows a stylized, gothic-style logo for the word "ROHAN". The letters are thick and black, with sharp, pointed serifs and decorative flourishes. The 'R' is particularly large and ornate, with a long, sweeping tail that extends downwards and to the left. The 'O' is a simple circle with a small dot in the center. The 'H' is tall and narrow, with a small dot in the center. The 'A' is a simple triangle with a small dot in the center. The 'N' is tall and narrow, with a small dot in the center. The overall style is reminiscent of medieval or fantasy-themed typography.

To

The word "ROWAN" is written in a highly stylized, blackletter or gothic font. The letters are thick and have sharp, pointed serifs. The 'O' and 'A' are particularly decorative, with internal flourishes. The overall appearance is that of a medieval or fantasy-themed brand mark.

Respondent's motion is accompanied by a new drawing page for each registration file; new specimens for each mark; and a verified statement that the mark was in use in commerce at least as early as the proposed amendment. See TMEP §1609.02(b) and (c) (5th ed. rev. Sept. 2007).

While the amendments are clearly limiting in nature, and petitioner consents thereto, as required under Trademark Rules 2.133(a) and 2.173(b), the appropriate fees have not been paid. See Trademark Rules 2.6 and 2.173.

Accordingly, registrant is allowed **THIRTY DAYS** from the mailing date of this order to submit the appropriate fees, failing which the proposed amendment will be given no further consideration. Proceedings are otherwise suspended.
