

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

Mailed: August 31, 2009

Cancellation No. 92049718

SAUL ZAENTZ COMPANY dba TOLKEIN
ENTERPRISES

v.

YNK KOREA CO., LTD.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

In an order dated August 19, 2009, the Board noted that respondent filed, on July 31 and August 7, 2009, proposed amendments to its Registration Nos. 3328132 and 3328133, with petitioner's consent and in accordance with settlement. The Board informed the parties that the proposed amendments were acceptable and would be entered upon payment of the appropriate fees. Respondent, on August 19, 2009, authorized a deposit account deduction for such fees. Thus, the fees have now been paid.

It has come to the Board's attention that the August 7, 2009 filing was a correction of the July 31, 2009 filing. The Board inadvertently considered the July 31, 2009 proposed amendment on the presumption that the August 7, 2009 proposed amendment was a duplicate thereof.

Accordingly, the August 19, 2009 order is hereby corrected. The amendments to the drawings filed on August 7, 2009 are

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acceptable and, now that the fees have been paid, are entered. Thus, the drawings submitted with the August 7, 2009 amendment to the registrations are the operative drawings for the each registration.¹

The mark in Registration No. 3328132 is amended from ROHAN to R.O.H.A.N.

The mark in Registration No. 3328133 is amended from

The word "ROHAN" is written in a stylized, gothic-style font with sharp, pointed letters and decorative flourishes.

to

The word "R.O.H.A.N." is written vertically in a stylized, gothic-style font with sharp, pointed letters and decorative flourishes.

(The Board copied the amended drawing from respondent's submission and regrets that it is unable to rotate the display.)

¹ The August 7, 2009 submission is also accompanied by new drawing pages 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 filing of the proposed amendment. TMEP §1609.02(b) and (c) (5th ed. rev. Sept. 2007).

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If this resolves the dispute herein, petitioner is allowed until **THIRTY DAYS** from the mailing date of this order to file a withdrawal of the petition to cancel, failing which the petition to cancel will go forward on the registration as amended. See Trademark Rule 2.114(c).
