

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

TDC

Mailed: March 3, 2009

Cancellation No. 92050029

David H.Schultz

v.

Petsport USA

**Cheryl Butler, Attorney, Trademark Trial and Appeal Board:**

On February 25, 2009, the parties filed registrant's proposed amendment to its Registration No. 2772622, with petitioner's consent, and petitioner's withdrawal of the petition to cancel with prejudice, contingent upon entry of the amendment.

By the proposed amendment registrant seeks to change the identification of goods in International Class 28 **from**  
pet toys

**to**

small size play toys for domesticated pet cats and kittens.

While the amendment is clearly limiting in nature, and petitioner consents thereto, as required under Trademark Rules 2.133(a) and 2.173(b), the appropriate fee has 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 fee, failing which the proposed amendment will be given no further consideration. Proceedings are otherwise suspended.

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**NEWS FROM THE TTAB:**

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>  
[http://www.uspto.gov/web/offices/com/sol/notices/72fr42242\\_FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf)

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>