TTAB

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

77/148,017

MBA/nmt

Mailed: March 4, 2009

Cancellation No. 92050173

Aveda Corporation

v.

Matthew James Landis

**Michael B. Adlin, Interlocutory Attorney:**

On January 19, 2009, respondent filed a proposed amendment to its Registration No. 3483102, with petitioner's consent, and petitioner's withdrawal of the petition to cancel, contingent upon entry of the amendment.[1]

By the proposed amendment, respondent requests that the registration be amended to include the following disclaimer:

> No claim is made to the exclusive right to use the term "LIFESTYLE SALON" apart from the mark as shown.

While the amendment is clearly limiting in nature, and petitioner consents thereto, as required under Trademark Rules

04/01/2009 SWILSON1 00000001 77148017
01 FC:6403 100.00 DP
03-30-2009
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #32

[1] The amendment fails to include proof of service on opposer as required by Trademark Rule 2.119. In order to expedite this matter, copies are forwarded herewith to opposer's counsel. Notwithstanding, strict compliance with Trademark Rule 2.119 is required by applicant in all future papers filed with the Board.

2.133(a) and 2.173(b), the appropriate fee has not been paid. See Trademark Rules 2.6 and 2.173.

Accordingly, respondent is allowed until **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 herein are otherwise suspended.

**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:

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: