

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

nmt/wbc

Mailed: May 2, 2013

Cancellation No. 92051472

Thales UK Limited

v.

Metal Storm Limited

Andrew P. Baxley, Interlocutory Attorney:

On April 11, 2013, respondent filed a renewed consented amendment to its involved Registration No. 3273127, and concurrently filed a fee for that amendment.¹

By the proposed amendment, respondent seeks to change the identification of goods in International Class 9 to delete "computer game discs and computer amusement apparatus for use with televisions; electronic game amusement machines coin

¹ Although none of the amendments to the involved registration that were filed in this case refer to a filing fee, the USPTO's Revenue Accounting and Management (RAM) database indicates that filing fees for amendments to registrations were paid in connection with the involved registration on February 4, 2013 and April 11, 2013. Accordingly, respondent will receive a refund for the second filing fee in due course. The better practice would have been to indicate in the amendments that filing fees therefor had been paid.

The February 4, 2013 and April 11, 2013 amendments are identical in substance. Accordingly, the Board will treat the declaration that was submitted with the February 4, 2013 amendment as applying to the April 11, 2013.

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operated and automatic for use with televisions or computers;"
and "; computer game cartridges and discs."²

The amendment is limiting in nature, as required by Trademark Rules 2.133(a). Because petitioner consents thereto, it is approved, and the registration file will be forwarded to the Post-Registration Branch for entry.

If the foregoing amendment resolves this case, petitioner should withdraw the petition to cancel within thirty days of the mailing date set forth in this order, failing which this proceeding will go forward based on the registration as amended.

Proceedings herein are otherwise suspended.

² The goods in International Class 13 remain unchanged.