

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

nmt

Mailed: February 1, 2011

Cancellation No. 92053481

Reading Venture One, L.L.C.

v.

Emsbo Corp., Inc.

Ann Linnehan, Attorney

On January 25, 2011, the parties filed respondent's proposed amendment to its Registration No. 3040764, with petitioner's consent, and petitioner's withdrawal of the petition to cancel without prejudice, contingent upon entry of the amendment.

By the proposed amendment respondent seeks to amend the application to include the following disclaimer:

No claim is made to the exclusive right to use the term "ORTON-GILLINGHAM" apart from the mark as shown.

The amendment is considered acceptable. See Trademark Rules 2.133(a), 37 C.F.R. §§ 2.133(a) and 2.173.

However, Trademark Rule 2.173(a), 37 C.F.R. § 2.173(a) requires that when the registration sought to be amended is

involved in an *inter partes* proceeding before the Board, the motion to amend the registration must be signed by the registrant and verified or supported by a declaration under Trademark Rule 2.20, 37 C.F.R. § 2.20, and the appropriate fee must be paid.¹ Respondent's motion to amend the registration does not include the required verification or declaration, or the required fee.

Accordingly, consideration of respondent's motion to amend is deferred. Respondent is allowed until **THIRTY DAYS** from the mailing date of this order to file the required verification or declaration and the filing fee, failing which the petition to cancel will go forward on the registration as issued and dates will be reset. See Trademark Rule 2.114(c).

¹ See Trademark Rule 2.6(a) (11), which states: "For filing an amendment to a registration \$100.00."