

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

RA

Mailed: August 9, 2011  
Cancellation No. 92053542  
Troegs Brewing Company  
v.  
Fegley Enterprises, Inc.

Cheryl S. Goodman, Interlocutory Attorney:

It has come to the Board's attention that no fees were paid in respect to applicant's motion to amend (filed July 28, 2011) to add a counterclaim to cancel registration no. 2887242, one of opposer's pleaded registrations.

A counterclaim for cancellation is the legal equivalent of a separate petition to cancel and the required fee must be paid in order for the Board to consider the motion to amend to add the claim. See Trademark Rules 2.106(b)(2)(iii) and 2.144(b)(2)(iii); TBMP Section 313.02 (3d ed. 2011); and *Williamson-Dickie Manufacturing Co. v. Mann Overall Company*, 359 F.2d 450, 149 USPQ 518, 520 (CCPA 1966) (payment of fee is necessary to give Board jurisdiction). Applicant is allowed until TWENTY DAYS from the mailing date of this order to pay the necessary fees. In the event that the fees are not paid, the motion to amend will be given no further consideration.

Dates remain as presently set. In the event that amendment is allowed, opposer's time to answer the counterclaim and all other dates will be reset.