

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

nmt

Mailed: April 24, 2012

Cancellation No. 92054488

Dan Patrick Enterprises, Inc.

v.

Trex Samson, LLC

Elizabeth A. Dunn, Attorney (571-272-4267):

On January 27, 2012, pursuant to the agreement between the parties, respondent filed a proposed amendment to its Registration No. 3868745, with petitioner's consent.

By the proposed amendment respondent seeks to change the identification of goods in International Classes 25 and 28 as follows:

International Class 25

from

"Clothing associated with characters or themes derived from a Tyrannosaurus Rex fossil, namely, shorts, pullovers, jackets, swimsuits, headwear, hats, caps, baseball caps, baby bibs, underwear"

to

"Clothing having an appearance or bearing graphics or indicia associated with characters or themes derived from a Tyrannosaurus Rex fossil, namely, shorts,

pullovers, jackets, swimsuits, headwear, hats, caps, baseball caps, baby bibs, underwear."

International Class 28

from

"Stuffed toys"

to

"Stuffed toys having an appearance associated with a Dinosaur."

Inasmuch as the amendment is clearly limiting in nature, the amendment to the identification of goods would be deemed acceptable. See Trademark Rules 2.133(a), 37 C.F.R. §§ 2.133(a) and 2.173(b).

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 **May 24, 2012**

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

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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, including respondent's due date for filing an answer, will be reset. See Trademark Rule 2.114(c).