

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

Mailed: September 11, 2013

Cancellation No. 92057365

Caprico USA LLC

v.

Tracie Martyn International
LLC

**George C. Pologeorgis,
Interlocutory Attorney:**

On August 28, 2013, petitioner filed an amended petition to cancel without an accompanying motion for leave to amend its pleading.¹

Inasmuch as respondent filed its answer more than twenty one days ago, petitioner may amend its petition to cancel only by written consent of respondent or by leave of the Board. *See* Fed. Civ. P. 15(a); TBMP § 507.02(a) (3d ed. rev. 2 2013).

In this instance, the record does not demonstrate that respondent has provided its written consent to petitioner's amended pleading nor has petitioner filed a motion for leave to amend its pleading for Board approval setting forth why an amended pleading is necessary.

¹ Respondent's change of correspondence address filed on July 16, 2013 is noted. Board records have been updated accordingly.

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In view thereof, petitioner's amended petition to cancel filed on August 28, 2013 will be given no further consideration.

Trial dates remain as set forth in the Board's June 19, 2013, institution order.