

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

VW

Mailed: April 21, 2014

Cancellation No. 92057578

Sid Tool Co., Inc. dba
MSC Industrial Supply Co.

v.

BioLargo, Inc.

Andrew P. Baxley, Interlocutory Attorney:

In February 28, 2014, petitioner filed the parties' stipulation, comprising a proposed amendment to respondent's involved Registration No. 4073384, and a withdrawal of the petition to cancel, contingent upon entry of the amendment.¹

By the proposed stipulated amendment, respondent seeks to (1) cancel International Class 1 from its registration in its entirety, and (2) amend the identification of goods in International Class 5.

The proposed amendment is neither (1) accompanied by the proper fee under Trademark Rule 2.6 nor (2) verified or supported by a declaration under Trademark Rule 2.20. *See* Trademark Rules 2.6(a)(11), 2.133(a) and 2.173(b).

¹ The stipulation does not include the required certificate of service. The Board presumes that because the filing was filed jointly, the parties did not believe service was necessary. **Strict compliance with Trademark Rule 2.119 is required for all future filings.** A copy of the filing can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

Accordingly, respondent is allowed **thirty days from the mailing date of this order** to submit the required fee and declaration in support of the amendment, failing which that amendment will be given no further consideration. In view of the foregoing, the Board declines to consider the withdrawal of the petition to cancel at this time.

Proceedings herein are otherwise suspended, retroactive to February 28, 2014.