

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: July 6, 2016

Cancellation No. 92060085

DCore Lifestyle Inc.

v.

Port Excel International Limited

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

By order dated April 15, 2016, the Board denied Respondent's consented motion (filed April 8, 2016) to maintain suspension of this case for settlement for an additional 30-days because Respondent failed to provide the required status report of the parties' settlement efforts.

On May 5, 2016, Respondent filed the required status report, a renewed consented motion to suspend proceedings along with a proposed amendment to its involved Registration No. 3589766 pursuant to the parties settlement agreement.¹

By the proposed amendment, Respondent seeks to amend the identification of goods in International Class 24 to remove the following stricken language:

¹ Respondent's previous motion filed May 2, 2016 (Docket No. 28) is considered superseded by the subsequent motion and need not be considered. Further, the Board notes that Respondent's additional three submissions filed May 5, 2016 and May 10, 2016 will receive no further consideration. Respondent is reminded that the **party should not send a follow-up copy unless the Board specifically requests a follow-up copy**. There is no need for additional filings, which only confuse the record.

Bed blankets, baby blankets, bedding, namely, quilts, bedspreads and mattress covers, bed linen, namely, flat sheets, bed canopies, bath linen, bath towels, crib bumpers, curtains, cloth flags, cloth pennants, duvets, duvet covers, eiderdowns, eiderdown covers and coordinated bed accessories, namely, pillowcases, bed sheets, pillow covers, fabric flags, felt pennants; unfitted fabric furniture covers, wall hangings of textile, upholstery fabrics, household and home textile articles, namely, ~~napkins~~, napkins of cloth for removal make-up and ~~table napkins of textile~~, golf towels, ~~hand towels~~, handkerchiefs, hooded towels, ~~household linen~~, ~~kitchen towels~~, receiving blankets, silk blankets, ~~table linen~~, ~~textile napkins~~, ~~textile place mats~~, ~~textile tablecloths~~, throws, towels, washcloths, woolen blankets, unfitted fabric bed ~~and table covers~~, and shower curtains.

Amended the identification will read:

Bed blankets, baby blankets, bedding, namely, quilts, bedspreads and mattress covers, bed linen, namely, flat sheets, bed canopies, bath linen, bath towels, crib bumpers, curtains, cloth flags, cloth pennants, duvets, duvet covers, eiderdowns, eiderdown covers and coordinated bed accessories, namely, pillowcases, bed sheets, pillow covers, fabric flags, felt pennants; unfitted fabric furniture covers, wall hangings of textile, upholstery fabrics, household and home textile articles, namely, napkins of cloth for removal make-up and golf towels, handkerchiefs, hooded towels, receiving blankets, silk blankets, throws, towels, washcloths, woolen blankets, unfitted fabric bed and shower curtains.

Inasmuch as the amendment complies with the requirements of Trademark Rule 2.173, it is limiting in nature, and Petitioner consents thereto, the amendment is approved. *See* Trademark Rule 2.133(a).

The amendment will be forwarded to the Post Registration Branch of this Office for entry of the amendment in accordance with Section 7(e) of the Trademark Act.²

If the amendment resolves this proceeding, Petitioner is allowed until **thirty days from the mailing date of this order** to file a withdrawal of the petition to

² A copy of the Board's order granting the amendment, and Respondent's declaration, will be forwarded electronically for uploading to the record of the registration.

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cancel, failing which the petition to cancel will go forward on the registration as amended. *See* Trademark Rule 2.114(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended.