

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

JMW

Mailed: September 7, 2016

Cancellation No. 92060464

Safeside Tactical, LLC

v.

CheyTac USA LLC

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

On July 5, 2016, Respondent filed a proposed amendment to its Registration No. 4509171 with Petitioner's consent, but without the required fee or verification. *See* Trademark Rules 2.6(11), 2.20 and 2.173.

Respondent seeks to amend the date of first use anywhere and the date of first use in commerce for Registration No. 4509171 (which issued from an application filed February 2, 2013) from December 15, 2012 to June 24, 2011.

The Board will accept a motion to amend the subject registration in an inter partes proceeding which seeks to change the dates of use. *See In re Pamex Foods, Inc.*, 209 USPQ 275 (Comm'r Pats. 1980); *Grand Bag & Paper Co. v. Tidy-House Paper Prods., Inc.*, 109 USPQ 395 (Comm'r Pats. 1956). However, the Board will not enter an amendment if the amended dates are later than the dates that would have been accepted during examination. If the application for the registration was based on use in commerce under 15 U.S.C. §1051(a), the registration cannot be corrected to specify

a date of use that is later than the application filing date (Trademark Rule §2.71(c)(1)) and the date of first use in commerce may not be earlier than the date of first use anywhere (see TMEP §903.03).

Inasmuch as the substance of the proposed amendment to the dates of use is acceptable, once all requirements are met, the amendment may be accepted.

Accordingly, Respondent is allowed thirty days from the mailing date of this order to submit the required fee and declaration in support of the proposed amendment, failing which the amendment will be given no further consideration.

Proceedings are otherwise suspended.