

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

CME/vw

Mailed: June 30, 2015

Cancellation No. 92060889

*Chocolate Pkg. & Mfg. Corp.*

*v.*

*Tufako Enterprises Limited*

**By the Trademark Trial and Appeal Board:**

On April 9, 2015, pursuant to Fed. R. Civ. P. 55(a), the Board issued an order for Respondent to show cause why default judgment should not be entered against it for failure to file an answer in this proceeding. On April 20, 2015, the parties filed a stipulated motion to: (1) set aside the notice of default because the parties have reached a settlement of this matter; (2) amend involved Registration No. 3814581; and (3) withdraw the petition for cancellation without prejudice, contingent upon entry of the proposed amendments. Pursuant to the parties' request and in view of their settlement of this matter, the notice of default is set aside.

Turning to the proposed amendments, Respondent seeks to delete International Class 32 from the involved registration in its entirety and to amend the identification of goods in International Classes 29 and 30 as follows:

International Class 29

**From:** Meat, fish, poultry and game; meat extracts; jellies, jams, compotes; eggs; edible oils and fats, olive oil; soups;

**To:** Jellies, jams, compotes; edible oils and fats, olive oil.

International Class 30

**From:** Coffee, cocoa, sugar, rice, tapioca, sago, artificial coffee; bread, pastry and confectionery, namely, pastilles made out of chocolate, fondants, fruit jellies; ices; honey, treacle, yeast, baking powder; salt, mustard; vinegar (including balsamic), sauces (condiments), namely, tomato sauces, pasta sauces, walnut sauces; spices; ice; sweets; candy; chocolate; biscuits; pasta;

**To:** Spices.

The proposed amendments to International Classes 29 and 30 are clearly limiting in nature, and Petitioner's consent is of record as required by Trademark Rules 2.133(a) and 2.173(b); however, the required fees for the amendments have not been paid and the proposed amendments are not verified or supported by a declaration under Trademark Rule 2.20. *See* Trademark Rule 2.6 and 2.173.

Accordingly, Respondent is allowed **thirty (30) days from the mailing date of this order** to submit the required fees and declaration in support of the proposed amendments to International Classes 29 and 30, failing which the amendments will be given no further consideration.

In view of the foregoing, the Board defers consideration of Respondent's request to delete International Class 32 in its entirety<sup>1</sup> and Petitioner's request to withdraw the opposition without prejudice.

Proceedings are otherwise suspended.

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<sup>1</sup> Respondent's request to delete International Class 32 (which is not subject to the cancellation action) in its entirety is, in effect, a voluntary surrender of the registration with respect to that class. There is no fee for a voluntary surrender for cancellation. *See* 15 USC 1057(e); Trademark Rule 2.172.