

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

EJW/lg

Mailed: June 13, 2016

Cancellation No. 92061510

Shleppers Holdings, LLC

v.

Schlep and Fetch, Inc. DBA Schlep & Fetch

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On April 13, 2016, Respondent filed a proposed amendment to its Registration No. 4716395, with Petitioner's consent, and Petitioner's withdrawal of the petition to cancel, contingent upon entry of the amendment.¹

By the proposed amendment, registrant seeks to change the identification of services in International Class 39, as follows:²

From: ~~Courier services; Laundry pick-up and delivery services; Postal, freight and courier services; Providing room service delivery services to hotels and condominiums; Shipping and delivery services, namely, pickup, transportation, and delivery of packages and letters by various modes of transportation; Transportation and delivery services by air, road, rail and sea; Transportation and delivery services, namely, same day shipment services.~~

To: Laundry pick-up and delivery services. Providing room service delivery

¹ Respondent's motion to amend does not indicate proof of service of a copy of same on counsel for Petitioner, as required by Trademark Rule 2.119. A copy of the amendment can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

² Lined-through wording is to be deleted and additional wording is shown in bold type font.

services to hotels and condominiums; **Expedited messenger and courier delivery services, including personal errands and delivery of retail products, food and beverages, packages, letters and baked goods; excluding furniture crating, packaging, moving and storage.**

While the amendment is clearly limiting in nature, and Petitioner consents thereto, as required under Trademark Rules 2.133(a) and 2.173(b), the amendment is not verified or supported by a declaration under 37 C.F.R. § 2.20. *See* Trademark Rules 2.6 and 2.173. In view thereof, the amendment is denied *without prejudice*.

Accordingly, Registrant is allowed until **THIRTY DAYS** from the mailing date of this order to submit a declaration, failing which the proposed amendment will be given no further consideration, trial dates will be reset, and this proceeding will be resumed.

In view of the foregoing, the Board's consideration of Petitioner's withdrawal of the petition to cancel with prejudice is **deferred**.

The proceeding is otherwise **SUSPENDED**.

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