

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

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Mailed: September 1, 2016

Cancellation No. 92062017

*Simmons Engineering Corporation d/b/a  
Simmons Knife & Saw Company*

*v.*

*SIMTEK Präzisionswerkzeuge GmbH*

**M. Catherine Faint,  
Interlocutory Attorney:**

On August 15, 2016, Respondent filed a proposed amendment to its Registration No. 3835515, with Petitioner's consent, and Petitioner's withdrawal of the petition to cancel, contingent upon entry of the amendment.

Due to the length of the identifications sought to be amended, Respondent must provide a redlined copy of the proposed amendment showing which portions are added or deleted.

While the amendment may be limiting in nature, and Petitioner consents thereto, as required under Trademark Rules 2.133(a) and 2.173(b), the appropriate fee has not been paid<sup>1</sup> and the amendment is not verified or supported by a

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<sup>1</sup> While the ESTTA docket entry indicates "Fee Paid," the only payment currently of record appears to be one for a change of name.

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, Respondent is allowed until **THIRTY DAYS** from the mailing date of this order to submit a redlined copy of the proposed amendments, the appropriate fee and to submit a declaration, failing which the proposed amendments will be given no further consideration, trial dates will be reset, and this proceeding will be resumed.

**Withdrawal of Petition to Cancel**

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**.

