

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

nmt

Mailed: November 3, 2016

Cancellation No. 92064281

Smartrac IP B.V.

v.

Imagequix, Inc.

Benjamin U. Okeke, Interlocutory Attorney:

On September 30, 2016, Respondent filed a renewed proposed amendment to its Registration No. 5005230, with Petitioner's consent.

By the proposed amendment, Respondent seeks to amend the recitation of services in International Class 42 to add the following underlined language:

Providing on-line non-downloadable software for administration and management of digital image capture, namely, storing, organizing, viewing, editing and identifying captured digital images, for the purpose of associating digital images with subject identification information; all the aforementioned goods not with respect to machines and equipment using radio frequency identification technology and transponders.

Inasmuch as the amendment now complies with the requirements of Trademark Rule 2.173, it is limiting in nature, and Petitioner consents, 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.¹

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 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, the proceeding will be resumed and dates reset, as appropriate. The proceeding is otherwise **SUSPENDED**.

¹ 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.