

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

MBA

Concurrent Use No. 94002102

Easy Cash, Inc.

v.

Advantage Rent-A-Car, Inc.

v.

American International
Investment

Jyll S. Taylor, Administrative Trademark Judge:

The notice instituting this proceeding and a copy of the involved concurrent use application were forwarded to registrant, American International Investment, but were returned by the Postal Service as undeliverable.

It is the responsibility of the concurrent use applicant, which has the burden of proving its entitlement to concurrent registration, to provide information concerning the current address of each specified excepted user. See 37 CFR §§2.42, and 2.99(e). See also TBMP §§ 1103.01(e) and 1106.05. If, as in this case, a notice or other communication sent by the Board to a specified excepted user is returned as undeliverable, the concurrent

use applicant will be required to investigate further and furnish the correct address. Unless and until the concurrent use applicant does so, the proceeding cannot go forward. Alternatively, if, upon further investigation, the concurrent use applicant learns that a specified excepted user has abandoned its use of its mark, the concurrent use applicant may file a motion to amend its application to delete reference to that user.¹ See TBMP § 1106.05.

In view thereof, proceedings herein are suspended to allow applicant an opportunity to either (i) furnish the correct address for American International Investment, or (2) properly amend its involved concurrent use application to remove the concurrent use restrictions regarding American International Investment.

The parties will be notified by the Board when proceedings are resumed, and appropriate action will be taken.

¹ Notably, American International Investment's registration, No. 2346604, was cancelled by the Office on February 10, 2007 for registrant's failure to file a Section 8 Affidavit of continued use.