

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: March 6, 2013

Applicant: Motel One GmbH
Serial No.: 79119017
Filed: 6/21/2012
Mark: BEONE

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International Registration Cancelled

Application Serial No. 79119017, the subject of this opposition proceeding, is a request for extension of protection to the United States filed pursuant to Trademark Act § 66(a), 15 U.S.C. § 1141f(a).

On January 3, 2013, the International Bureau ("IB") transmitted to the USPTO notification of the cancellation of International Registration No. 1131966, upon which the involved extension of protection is based. The IB pointed out

Serial No. 79119017

in the notification that the international registration expired on November 6, 2012. Pursuant to Trademark Rule 7.30,

When the International Bureau notifies the Office of the cancellation or expiration of an international registration, in whole or in part, the Office shall cancel, in whole or in part, the corresponding pending or registered extension of protection to the United States. The date of cancellation of an extension of protection or relevant part shall be the expiration of the corresponding international registration or relevant part.

In view thereof, the extension of protection is hereby cancelled and is considered cancelled as of November 6, 2012.

Opposition dismissed as a nullity

This opposition proceeding commenced on January 3, 2013 after the underlying international registration that formed the basis for the extension of protection was cancelled but prior to notification to the USPTO by the IB. If a 66(a) application is abandoned as the result of cancellation of the underlying international registration, any opposition that is filed on or after the date of the cancellation will be dismissed as a nullity and the opposition fee will be refunded. See TBMP §218 (3d ed. rev. 2012). The abandonment of an application that is not the subject matter of an inter partes proceeding is without prejudice to the applicant.

In view thereof, the effective abandonment date of application Serial No. 79119017 being prior to the

Serial No. 79119017

commencement of this opposition proceeding, such abandonment stands and the opposition is dismissed as a nullity. The matter will be referred to the Finance Division of the Office for consideration of a refund of the opposition fee.