

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

CV

Mailed: August 3, 2004

Opposition No. 91155929

ORLANE, S.A.

v.

POLSKI KONCERN NAFTOWY ORLEN  
SPOLKA AKCY JNA

**Frances S. Wolfson, Interlocutory Attorney:**

On June 6, 2004, applicant filed a motion to amend its application Serial No. 76165659, indicating that the amendment was part of a settlement agreement. Office records indicate no response to applicant's motion.

By the proposed amendment, applicant seeks to change the identification of services in Class 42 **from** "CATERING SERVICES; BAR, RESTAURANT AND HOTEL SERVICES; CHARITABLE SERVICES, NAMELY, PROVIDING FOOD, CLOTHING, SHELTER AND MEDICINE; MEDICAL SERVICES; RESEARCH IN THE FIELDS OF HYGENICS AND COSMETICS; LEGAL SERVICES; PATENT EXPLOITATION; COPYRIGHT MANAGEMENT; SCIENTIFIC SEARCHES IN THE FIELD OF CHEMICAL TECHNOLOGIES; CHEMICAL AND MECHANICAL RESEARCH; RESEARCH IN THE FIELD OF TRANSFORMATION, STORING, BLENDING AND DISTRIBUTION OF FUELS, BOTH LIQUID AND GAS AS WELL AS DERIVATIVE CHEMICAL PRODUCTS; AND COMPUTER PROGRAMMING FOR OTHERS " **to** "CATERING SERVICES; BAR, RESTAURANT AND HOTEL SERVICES; CHARITABLE SERVICES, NAMELY, PROVIDING FOOD, CLOTHING,

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SHELTER AND MEDICINE; MEDICAL SERVICES; LEGAL SERVICES; PATENT EXPLOITATION; COPYRIGHT MANAGEMENT; SCIENTIFIC SEARCHES IN THE FIELD OF CHEMICAL TECHNOLOGIES; CHEMICAL AND MECHANICAL RESEARCH; RESEARCH IN THE FIELD OF TRANSFORMATION, STORING, BLENDING AND DISTRIBUTION OF FUELS, BOTH LIQUID AND GAS AS WELL AS DERIVATIVE CHEMICAL PRODUCTS; AND COMPUTER PROGRAMMING FOR OTHERS. "

When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded. See 37 CFR §2.127(a), and TBMP §502.04 (2d ed. June 2003). In view thereof, and because the amendment is limiting in nature as required by Trademark Rule 2.71(b), applicant's motion is granted and the amendment is hereby approved and entered. See Trademark Rule 2.133(a).

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).

Proceedings herein are otherwise suspended.

#### **New Developments at the Trademark Trial and Appeal Board**

- Files of TTAB proceedings can now be examined using TTAB Vue, accessible at <http://ttabvue.uspto.gov>. After entering the 8-digit proceeding number, click on any entry in the prosecution history to view that paper in PDF format. Papers filed prior to January 2003 may not have been scanned. Unscanned papers are available for public access at the TTAB. For further information on file access, call the TTAB at (703) 308-9330.

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- Parties should also be aware of recent changes in the rules affecting trademark matters, including the rules of practice before the TTAB. *See* Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003) ([www.uspto.gov/web/offices/com/sol/notices/68fr55748.pdf](http://www.uspto.gov/web/offices/com/sol/notices/68fr55748.pdf)); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003) ([www.uspto.gov/web/offices/com/sol/notices/68fr48286.pdf](http://www.uspto.gov/web/offices/com/sol/notices/68fr48286.pdf)).
- The second edition (June 2003) of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) has been posted on the USPTO web site at [www.uspto.gov/web/offices/dcom/ttab/tbmp/](http://www.uspto.gov/web/offices/dcom/ttab/tbmp/).