

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

EJW

Mailed: August 13, 2008

Opposition No. 91182760

MasterCard International
Incorporated

v.

Roni Lynn Deutch

Elizabeth J. Winter, Interlocutory Attorney:

On May 30, 2008, the Board allowed the parties time to resubmit their proposed stipulated amendment to the recitation of services set forth in the subject application. The parties' first proposed amendment was deemed to be unacceptable to the extent that certain proposed wording was indefinite.

In response thereto, applicant filed on June 12, 2008 a second proposed amendment to its application Serial No. 77047304, with opposer's consent. By the proposed amendment, applicant seeks to change the recitation of services as follows:

From: "Income tax preparation; Tax consultation; Tax filing services; Tax preparation";

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To:¹ "Income tax preparation; Tax consultation; Tax filing services; Tax preparation; all of the foregoing excluding credit card, debit card, payment card, ATM, banking and other bill payment services and related bill payment products."

Inasmuch as the amendment² is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer consents thereto, it is 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).

This proceeding remains otherwise **SUSPENDED**.



NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint

¹ The proposed revised wording is underlined and shown in bold font type.

² The assigned Interlocutory Attorney notes that punctuation appears to be missing from the proposed recitation of services. In view thereof, so that the proposed exclusionary language clearly applies to all of the services listed in the recitation, a semi-colon has been added to the recitation of services after the wording "Tax preparation." Cf. TMEP § 707.02 (5th ed. 2007) (allowing examiner's amendments without prior authorization of applicant for correction of obvious typographical errors).

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of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>