

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

vb

Mailed: August 12, 2010  
Opposition No. 91187950  
Triumph International, Inc.  
v.  
Michael Jackson

**Linda Skoro, Interlocutory Attorney**

On June 3, 2010, applicant filed a proposed amendment to its application Serial No. 77427039.<sup>1</sup> Applicant's communication filed August 2, 2010 is noted.

By the proposed amendment, applicant seeks to amend the mark from "MJ" to "MJ SINCE 1985".

It is noted that applicant's proposed amendment fails to indicate service of a copy thereof upon opposer as required by Trademark Rule 2.119(c). See also Trademark Rule 2.133(a).

Moreover, it is unclear whether opposer has agreed to amend the mark in the above-identified application Serial No. 77427039. See Trademark Rule 2.133(a).

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<sup>1</sup>Applicant is advised that this amendment will be determined by the Board. The Board currently exercises jurisdiction over

Accordingly, applicant is allowed until **thirty days** from the mailing date of this order in which to submit proof of service of its proposed amendment upon opposer and to advise of opposer's consent to the amendment, failing which, the amendment will be given no consideration and the opposition will go forward. See Trademark Rule 2.106(c).

In the event that applicant provides proof of service but does not advise of opposer's consent to the amendment, consideration of the amendment will be deferred pending final decision inasmuch as the amendment is one of substance. See TBMP Section 514.03 ("The Board generally will defer determination of a timely filed (i.e., pre-trial) unconsented motion to amend in substance until final decision"). In the event applicant advises of opposer's consent to the amendment, and provides proof of service of the amendment, the Board will consider the amendment presently. TBMP Section 514.02.

Applicant is also allowed **thirty days** from the mailing date of this order in which to submit to the Board a substitute drawing page.

Proceedings are otherwise suspended.