

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

mbm/lw

March 20, 2020

Opposition No. 91251210

MDM Products LLC

v.

Rhino USA, Inc.

Mary Beth Myles, Interlocutory Attorney:

On March 4, 2020, Applicant filed a proposed amendment to its application Serial No. 87592517, pursuant to a settlement agreement between the parties, and withdrawal of the opposition with prejudice, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 22.

From: Cargo and carrier equipment for vehicles comprised of synthetic textile materials, excluding artificial leather, namely, tow ropes, tow straps, ratchet tie-down straps, quick release tie down straps, lashing straps, and tarp straps

To: cargo and carrier equipment for vehicles comprised of synthetic textile materials, **excluding instant garages, tents, tarpaulins, protective fabric canopies and vehicle covers; and** excluding artificial leather, namely, tow ropes, tow straps, ratchet tie-down straps, quick release tie down straps, lashing straps, and tarp straps.

While the proposed amendment appears to be within the scope of the identification as published, it cannot be approved inasmuch as the involved application is also the subject of Opposition No. 91250676, wherein the Opposer is NAADE, Inc., and the consent of that Opposer has not been made of record. *See New Orleans Louisiana Saints LLC and NFL Properties LLC v. Who Dat?, Inc.*, 99 USPQ2d 1550, 1550 (TTAB 2011).

When a request to amend an application that is also the subject of other inter partes proceedings is filed, the consent of the other parties in each of those other proceedings must be of record before the amendment may be approved. Trademark Rule 2.133(a) and TBMP § 514.02 (2019).

In view thereof, proceedings are **suspended thirty days** to allow Applicant time to obtain and submit the consent of all Opposers to the involved application, failing which the amendment will be given no further consideration and this opposition will go forward on the application as published.