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

Winter/lg

Mailed: January 9, 2008

Cancellation No. 92043909

JANSPORT, INC.

v.

THE GAME LLC

Elizabeth J. Winter, Interlocutory Attorney:

On December 4, 2007, respondent filed a proposed amendment to its involved Registration No. 2576773, without petitioner's consent.

By the proposed amendment respondent seeks to change the identification of goods in International Class 25 **from:**

> "Clothing, namely T-shirts, jerseys, shorts, sweatshirts, sweatpants, hats, caps, scarves, socks, warm-up shirts, warm-up pants, jackets, sleepwear, infant sets comprised of tops and bottoms, and polo shirts,"

To[1]**:**

> "Clothing, namely T-shirts, sweatshirts, hats, caps, jackets, and polo shirts."

[1] The deleted wording includes the following: jerseys, shorts, sweatpants, scarves, socks, warm-up shirts, warm-up pants, sleepwear, and infant sets comprised of tops and bottoms.

Trademark Rule 2.173(a), 37 C.F.R. § 2.173(a), requires that when the registration sought to be amended is involved in an *inter partes* proceeding before the Board, the motion to amend the registration must be signed by the registrant and verified or supported by a declaration under Trademark Rule 2.20, 37 C.F.R. § 2.20, and the appropriate fee must be paid. Respondent's motion to amend the registration does not include the required verification or declaration, or the required fee. *See also* Trademark Rule 2.133, 37 C.F.R. § 2.133. Accordingly, respondent's motion will not be considered.

The Board also notes that the subject registration is also involved in Cancellation No. 92047528, styled *Merge Left, Inc. v. The Game, LLC.* Respondent is advised that the Board will not grant a motion to amend a registration involved in more than one proceeding absent the written consent of all plaintiffs.

Respondent is further advised that if the amendment is unconsented, as in this proceeding, the Board generally will defer determination of the motion to amend in each case until final decision, or until the case is decided upon summary judgment. *See Space Base Inc. v. Stadis Corp.*, 17 USPQ2d 1216 (TTAB 1990). *See also* Trademark Rule 2.133(a), 37 C.F.R. § 2.133(a), and authorities cited in TBMP § 514.03 (2d ed. rev. 2004).

Dates remain as set previously in the Board's order mailed August 16, 2007.

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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 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