

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

MBA/ac

Mailed: August 7, 2008

Cancellation No. 92046103

SmartLabs, Inc.

v.

BSH Bosch und Siemens
Hausgerate GmbH

Michael B. Adlin, Interlocutory Attorney:

On July 9, 2008, respondent filed a proposed amendment to its Registration No. 2909454, with petitioner's consent.

By the proposed amendment, respondent seeks to change the identification of goods in International Class 9

from "electric apparatus and instruments, namely, electric irons, namely, flat irons, flat irons with steam; remote controls for household appliances, signaling devices, namely, signal whistles; controlling and monitoring devices for household and kitchen appliances, namely, electric controllers; recorded and not recorded machine readable data carriers, namely, magnetic data carriers for household appliances; vending machines; data processors for controlling and operating household appliances; and structural parts for the aforementioned goods"

to "electric apparatus and instruments, namely, electric irons, namely, flat irons, flat irons with steam; vending machines."

Cancellation No. 92046103

The goods in International Classes 7, 11, 37 and 38 are not subject to the petition for cancellation and would remain unchanged.

While the amendment is clearly limiting in nature, and petitioner consents thereto, as required under Trademark Rules 2.133(a) and 2.173(b), the appropriate fee has not been paid. See Trademark Rules 2.6 and 2.173.

Accordingly, respondent is allowed thirty days from the mailing date of this order to submit the appropriate fee, failing which the proposed amendment will be given no further consideration. Proceedings are 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 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>