

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

MBA/vw

Mailed: December 1, 2008

Cancellation No. 92046103

SmartLabs, Inc.

v.

BSH Bosch und Siemens
Hausgerate GmbH

Michael B. Adlin, Interlocutory Attorney:

On August 7, 2008, the Board issued an order allowing respondent thirty days in which to submit the required fee for its July 9, 2008 proposed amendment to its Registration No. 2909454, which was otherwise acceptable. On September 12, 2008, respondent paid the fee.

In view thereof, the amendment now complies with all of the procedural requirements of Trademark Rule 2.173, as it is procedurally sufficient, is clearly limiting in nature, and petitioner consents thereto. It is therefore approved. See Trademark Rule 2.133(a). The goods and services in International Classes 7, 11, 37 and 38 remain unchanged.

The amendment will be forwarded to the Post Registration Branch of this Office for appropriate action in accordance with Section 7(e) of the Trademark Act.

If this resolves the dispute herein, petitioner is allowed until **thirty days** from the mailing date of this order to file a withdrawal of the petition to cancel, failing which the petition to cancel will go forward on the registration as amended. See Trademark Rule 2.114(c).

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>