

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

Mailed: November 18, 2008

Cancellation No. 92046688

Cigars International, Inc.

v.

N.V. Sumatra Tobacco
Trading Company

**Robert H. Coggins,
Interlocutory Attorney:**

On October 28, 2008, the respondent filed a proposed amendment to its Registration No. 2793356, with petitioner's written consent; and on November 5, 2008, petitioner filed a withdrawal with prejudice of the petition to cancel. The Board construes the withdrawal of the petition to be contingent upon entry of the proposed amendment.

By the proposed amendment respondent seeks to change the identification of goods in Registration No. 2793356 **from** "cigarettes, kretek cigarettes, cigars, shag tobacco, cigars, cigarette papers, Virginia tobacco, and matches" **to** "cigarettes, kretek cigarettes, shag tobacco, cigarette papers, Virginia tobacco and matches" in International class 34.

Although the amendment appears otherwise acceptable, the request to amend was neither (1) verified or supported by a declaration under Trademark Rule 2.20, nor (2) accompanied by the proper fee. See Trademark Rules 2.6(a)(11) and 2.173.

Accordingly, respondent is allowed until **thirty days** from the mailing date of this order to submit the appropriate fee and to properly verify or support the amendment, 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>