

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

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Mailed: July 29, 2008

Cancellation No. 92046914

BI-O-KLEEN INDUSTRIES, INC.

v.

Natural Chemistry, Inc.

Cheryl Goodman, Interlocutory Attorney:

On June 27, 2008, the parties filed registrant's proposed amendment to its Registration No. 2526436, with petitioner's consent.

By the proposed amendment registrant seeks to change the identification of goods in International Class 3 **from**

cleaning preparations; namely, soft surface and fabric cleaners, degreasers, stain removers and odor eliminators for use in swimming pools, on swimming pool equipment and accessories, carpets, upholstery, patio furniture and spa covers

to

cleaning preparations, namely, soft surface and fabric cleaners, degreasers, stain removers and odor eliminators for use in swimming pools, on swimming pool equipment and accessories, carpets and upholstery used in pool facilities, and spa covers, marketed and sold to the swimming pool and spa industry

While the amendment is acceptable as it is clearly limiting in nature and petitioner consents thereto, see

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, registrant 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 herein remain otherwise suspended as indicated in the Board's July 1, 2008 order.

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>