

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

nt/ar

Mailed: April 15, 2009

Cancellation No. 92047571

Chevron Intellectual
Property Inc.

v.

Next Media I.P. Limited

Cheryl Goodman, Interlocutory Attorney:

On February 10, 2009, respondent filed a consented motion to amend Registration No. 2105612. On February 19, 2009, the parties stipulated to withdrawal of the cancellation without prejudice.

By the proposed amendment registrant seeks to change the identification of goods in International Class 16 as follows:

from

"printed material, namely magazines in the field of news, including financial and entertainment news, topics of interest, comments, opinions, and advertising"

to

"printed material, namely magazines in the field of news, including financial and entertainment news, topics of interest, comments, opinions, and advertising, and excluding publications and printed matters, namely magazines, newsletters and reports in the field of energy, energy companies and energy technologies."

While the amendment is clearly limiting in nature, and petitioner consents thereto as required under Trademark Rules 2.133(a) and 2.173(e), the appropriate fee has not been paid nor the required verification or declaration filed. See Trademark Rules 2.6(a)(11) and 2.173(b)(1) and (2).

Accordingly, registrant is allowed until thirty days from the mailing date of this order to submit the appropriate fee and verification or declaration, failing which the proposed amendment will be given no further consideration.

The Board presumes the stipulation to withdraw the notice of cancellation to be contingent on acceptance of the amendment. In view of the denial of the amendment, the contingency has not been met. Accordingly, the stipulation to withdraw will not be given effect at this time. If respondent submits the required fee and verification or declaration in support of the amendment, the amendment will be approved and entered and the stipulation to withdraw given effect.

Proceedings herein 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

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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>