

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

nmt/dmd

Mailed: November 24, 2008

Cancellation No. 92048675

Advantus Capital Management,
Inc.

v.

Servicios Para Medios de
Pago, S.A.

Cheryl Goodman, Interlocutory Attorney:

On November 10, 2008, respondent filed a proposed stipulated amendment to its Registration No. 2703564.

By the proposed amendment respondent seeks to change the identification of goods in International Class 36 as follows:

from

"Financial services, namely, financial management, financial forecasting and financial portfolio management; and monetary exchange services"

to

"Financial management services for the payment industry, namely services for processing financial transactions originating with payment cards."

Inasmuch as the amendment is clearly limiting in nature, the amendment to the identification of goods would be deemed acceptable. See Trademark Rules 2.133(a), 37 C.F.R. §§ 2.133(a) and 2.173(b).

However, Trademark Rule 2.173(a), 37 C.F.R. § 2.173(a) requires that when the registration sought to be amended is involved in an *inter partes* proceeding before the Board, the motion to amend the registration must be signed by the registrant and verified or supported by a declaration under Trademark Rule 2.20, 37 C.F.R. § 2.20, and the appropriate fee must be paid.¹ Respondent's motion to amend the registration does not include the required verification or declaration, or the required fee.

Accordingly, consideration of respondent's motion to amend is deferred. Respondent is allowed until THIRTY DAYS from the mailing date of this order to file the required verification or declaration and the filing fee, failing which the petition to cancel will go forward on the registration as issued and dates, including respondent's due date for filing an answer, will be reset. 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>

¹ See Trademark Rule 2.6(a) (11), which states: "For filing an amendment to a registration \$100.00."

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>