

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

MBA

Mailed: October 23, 2008

Cancellation No. 92049506

Hercules Brand Corporation

v.

Herculinks Corporation

Michael B. Adlin, Interlocutory Attorney:

On July 30, 2008, respondent filed a proposed post-registration amendment of the identification of services in its Registration No. 3321592, with petitioner's consent. On August 1, 2008, the Board issued an order indicating that while the proposed amendment is acceptable under Trademark Rules 2.133(a) and 2.173(b), the required fee has not been paid. Accordingly, the Board allowed respondent 30 days to pay the required fee.

On August 25, 2008, respondent submitted its amendment fee. Accordingly, the amendment is approved. See Trademark Rules 2.133(a) and 2.173(b). The amendment will be forwarded to the Post Registration Branch of the 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

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to file a withdrawal of the cancellation, failing which the proceeding 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>
