

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

nmt

Mailed: May 7, 2010

Cancellation No. 92051809

BOEHRINGER INGELHEIM
VETMEDICA, INC.

v.

ALPHARMA INC.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

On April 6, 2010, respondent filed a proposed stipulated amendment to its Registration No. 3577155.

By the proposed amendment respondent seeks to change the identification of goods in International Class 5 as follows:

from

"Veterinary preparations and pharmaceuticals, namely, an antibiotic for use in treating poultry and swine"

to

"Veterinary preparations and pharmaceuticals, namely, an antibiotic for use in treating poultry and swine, which preparations and pharmaceuticals are in the form of feed additives or as an additive to drinking water."

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) 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 will be reset. See Trademark Rule 2.114(c).

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