

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

RK/am

Mailed: June 12, 2018

Cancellation No. **92067851**

*RH US, LLC*

*v.*

*Body Friend Co., Ltd.*

**Yong Oh (Richard) Kim, Interlocutory Attorney:**

On May 25, 2018, Respondent filed a proposed amendment to its **Registration No. 5097794**, with Petitioner's consent. On June 11, 2018, while noting the limiting nature of the proposed amendment, the Board declined to accept the amendment in view of Respondent's failure to remit the appropriate fees and to verify or support the amendment with a declaration under Trademark Rule 2.20. *See* 15 U.S.C. § 1057(e) and Trademark Rules 2.6 and 2.173; TMEP §§ 1609.01 and 1609.03 (Oct. 2017). Later that day, Respondent renewed its proposed amendment and submitted the requisite fees and declaration.

For the convenience of the parties, the proposed amendment is reproduced below (deletions underlined and additions bolded):

**From:** Furniture; cabinetwork; furniture of metal; wooden beds; office furniture; easy chairs; massage tables; mattress; Korean cushions (bangsuk); pillows; air mattresses, not for medical purposes; bed pillows; cushions; bed and mattress; in International Class 20.

Wholesale store services featuring furniture; retail store services featuring furniture; wholesale store services featuring bed vibrators; retail store services featuring bed vibrators; retail store services featuring bed and mattress; wholesale store services featuring bed and mattress; in International Class 35.

**To:** Bed and mattress; in International Class 20.

Retail store services featuring bed and mattress; wholesale store services featuring bed and mattress; in International Class 35.

Inasmuch as the amendment complies with the requirements of Trademark Rule 2.173, is limiting in nature, and consented to by Petitioner, the amendment is hereby **APPROVED**. See Trademark Rule 2.133(a). The amendment will be forwarded to the Post Registration Branch of this Office for entry in accordance with Section 7(e) of the Trademark Act.<sup>1</sup>

If this resolves the dispute herein, Petitioner is allowed until **JULY 12, 2018**, to file a withdrawal of the cancellation, failing which the proceeding will go forward on the registration as amended in accordance with the following schedule:

Time to Answer	8/13/2018
Deadline for Discovery Conference	9/12/2018
Discovery Opens	9/12/2018
Initial Disclosures Due	10/12/2018
Expert Disclosures Due	2/9/2019
Discovery Closes	3/11/2019
Plaintiff's Pretrial Disclosures Due	4/25/2019
Plaintiff's 30-day Trial Period Ends	6/9/2019
Defendant's Pretrial Disclosures Due	6/24/2019
Defendant's 30-day Trial Period Ends	8/8/2019
Plaintiff's Rebuttal Disclosures Due	8/23/2019
Plaintiff's 15-day Rebuttal Period Ends	9/22/2019
Plaintiff's Opening Brief Due	11/21/2019
Defendant's Brief Due	12/21/2019

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<sup>1</sup> Copies of the Board's order granting the amendment and Respondent's declaration will be forwarded electronically for uploading to the record of the registration.

Plaintiff's Reply Brief Due	<b>1/5/2020</b>
Request for Oral Hearing (option) Due	<b>1/15/2020</b>

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, matters in evidence, the manner and timing of taking testimony, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence.

Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

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