

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

az

Mailed: January 2, 2003

Opposition No. 107,026
Opposition No. 107,048

Kevin T. McCarney, dba
Poquito Mas

v.

Una Mas, Inc. and Una Mas
Restaurants Incorporated,
joined as a party
defendant

Albert Zervas, Interlocutory Attorney

IT IS HEREBY ORDERED THAT:

1. Proceedings herein are considered resumed.
2. After conferring with the parties, the Board canceled the telephone conference scheduled for October 16, 2002, which was noticed in the Board's order mailed on October 10, 2002.
3. Opposer's "Motion For 30 Day Extension of Time of Opposer's Rebuttal Period" (filed October 2, 2002) is hereby denied in view of applicant's consented motion to extend the rebuttal period (filed October 16, 2002).

Opposition Nos. 107,026 and 107,048

4. Applicant's consented motion to extend is granted; the close of the rebuttal period is extended up to and including November 13, 2002.

5. Applicant's proposed amendment (filed July 19, 2002) is noted. The proposed amendment does not indicate opposer's consent. See Trademark Rule 2.133(a). In view thereof, and because the proposed amendment was filed after the commencement of the testimony period, action on the proposed amendment is deferred until final decision in this proceeding. See *Space Base Inc. v. Stadis Corp.* 17 USPQ2d 216 (TTAB 1990)(defendant's motion to amend its identification of goods to include restriction deferred until final decision); and TBMP §514.02.