

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

Mermelstein

Mailed: July 31, 2001

Opposition No. 91114519

Sharp Kabushiki Kaisha,
a/t/a Sharp Corporation

v.

Blaupunkt-Werke GmbH.

Now before the Board is applicant's request to amend the goods in the subject application. There are two problems with applicant's motion:

First, as a general matter, an application subject to opposition proceedings may only be amended with the consent of the opposer. Trademark Rule 2.133(a). While applicant alleges that the amendment is made pursuant to a settlement agreement, the agreement attached is not signed by opposer. (The effective date of the agreement is also blank.) We will not infer opposer's consent from a document it has not signed.

Second, applicant's motion was not accompanied by a certificate of service, as required by Trademark Rule 2.119(a) ("Every paper filed in the Patent and Trademark Office in inter partes cases, ... must be served upon the other parties.... Proof of such service must be made before

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the paper will be considered") To expedite this matter, a copy of the proposed amendment is enclosed with this order for opposer's perusal.

Applicant is allowed THIRTY DAYS from the mailing date of this order to file opposer's consent to the proposed amendment, failing which the motion will be treated as unconsented, and reserved until final decision after a trial. *See generally*, TBMP § 514.03.

Proceedings herein are otherwise suspended pending applicant's response. Dates will be reset as appropriate when proceedings are resumed.

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| DISCOVERY PERIOD TO CLOSE: | January 23, 2002 |
| Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto) | April 23, 2002 |
| Testimony period for party in position of defendant to close: (opening thirty days prior thereto) | June 22, 2002 |

David M. Mermelstein
Interlocutory Attorney
Trademark Trial and Appeal Board
(703) 308-9330 Ext. 236