

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

Greenbaum

Mailed: December 10, 2002

Opposition No. 117,378

Omega, S.A.

v.

Shawn Panchacharam

Opposition No. 119,162

Iomega Corporation

v.

Shawn Panchacharam

Cindy B. Greenbaum, Attorney:

Although these proceedings remain unconsolidated, this order bears a double caption because it addresses an issue that is common to both proceedings.

The June 10, 2002 Board order, which also bore a double caption, allowed Omega, S.A. (opposer in opposition no. 117,378) time to file an opposition to the motion to amend the identification of goods, which motion applicant filed in opposition no. 119,162 with the consent of opposer Iomega

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Corporation. The Board notes Omega, S.A.'s objection to applicant's proposed amendment.<sup>1</sup>

The Board ordinarily defers consideration of an unconsented motion to amend an identification of goods or services in an involved application or registration until final hearing in order to have the opportunity to review the parties' evidence regarding actual use of the involved mark(s), and to determine whether, under the actual circumstances of use, there is no likelihood of confusion. See authorities cited in TBMP Section 514.03(a). In accordance with ordinary Board practice, consideration of the proposed amendment is deferred until final hearing in both proceedings.

Trial dates are reset as follows, and apply to both proceedings:

<b>DISCOVERY PERIOD TO CLOSE:</b>	<b>CLOSED</b>
Testimony period for party in position of plaintiff to close:	<b>February 15, 2003</b>
Testimony period for party in position of defendant to close:	<b>April 16, 2003</b>
Rebuttal testimony period to close:	<b>May 31, 2003</b>

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served

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<sup>1</sup> Inasmuch as applicant did not respond to Omega, S.A.'s motion (filed July 11, 2002) to extend its time to respond to applicant's proposed amendment, Omega, S.A.'s motion is granted as conceded. See Trademark Rule 2.127(a).

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on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.