

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

King

Mailed: January 7, 2003

Opposition No. 91118685

SARATOGA BEVERAGE GROUP,  
INC.

v.

SARASODA, INC.

**Albert Zervas, Interlocutory Attorney**

On June 6, 2002, applicant filed a proposed amendment to the identification of goods in its application Serial No. 75/447,627. By the proposed amendment applicant seeks to change the identification of goods **from** "soft drinks" **to** "soft drinks, not including bottled water or clear flavored water products, whether carbonated or still."

Trademark Rule 2.133(a) provides, in pertinent part, that an application which is the subject of an inter partes proceeding may not be amended in substance except with the consent of the adverse party and the approval of the Board, or upon motion. However, the proposed amendment must also comply with all other rules and statutory provisions.

The parties are informed the proposed amendment is limiting in nature and in compliance with all other

applicable rules and regulations, and if agreed to by  
opposer, it could be approved and entered.

Opposer herein is allowed until **forty days** from the  
mailing date of this order in which to advise the Board  
whether it consents to said proposed amendment.

Proceedings herein are otherwise suspended.