

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

Hassan

Mailed: February 20, 2003

Opposition No. 91125328

Opposition No. 91152016

OS ASSET, INC. AND OUTBACK
STEAKHOUSE OF FLORIDA, INC.

v.

JOHN HEROD, LLC

Angela Lykos, Interlocutory Attorney

Applicant filed on November 1, 2002, applicant filed an amendment to its application Serial Nos. 76093512 and 76093513 (inadvertently identified by the Board) and, on December 12, 2002, submitted proof of service of same on counsel for opposer.

By the amendment, applicant seeks to change the identification of goods **from** "retail store and mail order services specializing in sheepskin clothing, rugs, automobile accessories and toys" **to** "wholesale, retail store and mail order services specializing in sheepskin clothing, rugs, toys and seat covers, seat belt straps and steering covers all made of sheepskins" (Serial No. **76093512**) and **from** "retail store and mail-order services specializing in

sheepskin clothing, rugs, automotive accessories and toys" to "wholesale, retail store and mail order services specializing in sheepskin clothing, rugs, toys, and seat covers, seat belt straps, and steering covers al made of sheepskins" (Serial No. **76093513**). However, the proposed amendment is unacceptable because "wholesale" is beyond the scope of "retail store and mail order services." Accordingly, the proposed amendment is denied without prejudice.

Applicant is allowed **THIRTY DAYS** from the mailing date of this order in which to submit a substitute amendment in compliance with Trademark Rule 2.133(a), failing which this case will proceed with the identification of goods presently set forth in the involved application.

Proceedings remain otherwise suspended.