

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

Mailed: December 5, 2002

Opposition No. 91125328
Opposition No. 91152016

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

v.

JOHN HEROD, LLC

Shirley Hassan, Paralegal Specialist

On November 1, 2002, the applicant filed a proposed amendment to its application Serial No. 76083513, without opposer's consent. See TMEP 514.03.

Applicant's amendment does not include proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. Accordingly, action on the proposed amendment is deferred. Applicant is allowed until **thirty days** from the mailing date of this order to effect service upon counsel for applicant and provide proof thereof to the Board. Opposer is allowed until thirty days from the date of service to respond to the amendment, if necessary.

Strict compliance with Rule 2.119 is required for all papers filed with the Board in inter partes cases.

