

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

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Mailed: August 18, 2009

Opposition No. 91160122

Wilhelm Sihm Jr., KG

v.

Christopher P. Risi

Jennifer Krisp, Interlocutory Attorney:

In response to the Board's July 20, 2009 show cause order, the parties filed, on August 14, 2009, a joint motion to set aside default judgment. The Board construes this filing as a joint motion to set aside the July 20, 2009 notice of default. In view of the parties' representation, inter alia, that they have been engaged in serious and fruitful settlement efforts, and that they did not intend for the deadline for filing an answer to pass, the motion to set aside is hereby granted. The notice of default is hereby set aside.

Concurrently with the August 14 joint motion, the parties filed an amendment to involved application Serial No. 76161586, and a withdrawal of the opposition without prejudice, contingent upon acceptance and entry of the amendment.

On August 17, 2009, applicant filed a motion to amend the involved application which sets forth a proposed amendment

that differs from the amendment filed on August 14, 2009. Specifically, the August 14, 2009 motion sets forth a proposed identification of goods that includes "DVRs", whereas this good is not included in the proposed amendment filed August 17, 2009.¹

Inasmuch as the August 17, 2009 motion does not indicate that it supersedes the earlier motion, clarification of the record is required. The Board will thereafter consider the amendment, as clarified.

Accordingly, applicant is allowed twenty (20) days from the mailing date of this order in which to file with the Board a clarification with respect to the proposed amendment. In the event that no response is filed, proceedings will resume, and the opposition will go forward on the application as published.

Proceedings are otherwise suspended.

¹ The Board notes that a motion to amend has also been filed in Opposition No. 91159908, and that therein, the proposed amendment which includes "DVRs" has been ruled to be unacceptable as a broadening of the scope of the goods identified in the application involved therein. Here, inasmuch as the current identification of goods in Serial No. 76161586 also does not include "DVRs," the Board will find an amendment that seeks to add this good to be unacceptable pursuant to Trademark Rule 2.71(a)