

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

Mailed: August 1, 2006

Opposition No. **91170426**

Sociedad Anonima Vina Santa
Rita

v.

Angela J. Barbato

Jyll S. Taylor, Attorney:

On May 12, 2006, applicant filed a motion for a more definite statement, arguing that opposer failed to sufficiently set forth the grounds upon which the opposition is based. In apparent response, opposer filed an amended notice of opposition.

In that regard, pursuant to Fed. R. Civ. P. 15(a), a party to an inter partes proceeding before the Board may amend its pleading once as a matter of course at any time before a responsive pleading is served. A review of the amended notice of opposition reveals that it addresses the deficiencies specified in applicant's motion. Indeed, applicant, on June 19, 2006, filed an answer to the amended notice of opposition.

In view of the foregoing, opposer's amended notice of opposition is now opposer's operative pleading in this case

Opposition No. 91170426

and applicant's motion for a more definite statement will not be further considered.

Ordinarily the Board would set applicant's time to answer the amended notice of opposition. However, as indicated above, applicant has already answered the amended opposition.

Discovery and trial dates remain as set in the Board's institution order.
