

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

VW

Mailed: October 4, 2010

Opposition No. 91192204

Wild Goose Holding Co., Inc.

v.

Wisynco Group Limited

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

This case now comes up on applicant's consented motion (filed September 8, 2010) to amend application Serial No. 77743197 only and suspend proceedings for settlement negotiations.¹

By way of its motion to amend application Serial No. 77743197, applicant seeks, with opposer's consent, to change the identification of goods in Class 32 **from** "flavored bottle water; flavored waters; flavoured waters" **to** "purified bottled drinking water."

The Board has determined that the proposed amendment is not acceptable because the subject matter is beyond the scope of the identification of goods as published. See Trademark

¹ The Board notes that applicant failed to provide proof of service of the consented amendment upon opposer's counsel as required by Trademark Rule 2.119. In order to expedite matters, a copy of applicant's submission will be forwarded to opposer's counsel along with this order. Strict compliance with the Trademark Rules is expected in future submissions to the Board.

Rule 2.71(b). In particular, applicant's present identification is limited to "flavored" water. Deletion of the limitation results in broadening the scope of the identification. If accurate, and the parties agree, the following identification may be acceptable: "purified flavored bottled water."

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until December 23, 2010, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

If no word is heard from the parties regarding the status of their settlement discussions, the opposition will move forward on the application as amended upon the following schedule.

Proceedings Resume	12/24/10
Time to Answer	1/7/2011
Deadline for Discovery Conference	2/6/2011
Discovery Opens	2/6/2011
Initial Disclosures Due	3/8/2011
Expert Disclosures Due	7/6/2011
Discovery Closes	8/5/2011
Plaintiff's Pretrial Disclosures	9/19/2011
Plaintiff's 30-day Trial Period Ends	11/3/2011
Defendant's Pretrial Disclosures	11/18/2011
Defendant's 30-day Trial Period Ends	1/2/2012
Plaintiff's Rebuttal Disclosures	1/17/2012
Plaintiff's 15-day Rebuttal Period Ends	2/16/2012

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served

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on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.
