

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

kk

Mailed: November 29, 2010

Opposition No. 91193335

Embarcadero Technologies,  
Inc.

v.

RStudio, Inc.

**Ann Linnehan, Attorney**

On November 10, 2010, applicant filed a proposed amendment to its involved applications without opposer's consent.

The Board ordinarily defers consideration of an unconsented motion to amend in substance, such as the instant motion, until final hearing, or until the case is decided upon summary judgment. See *Fort Howard Paper Co. v. C.V. Gamina Inc.*, 4 USPQ2d 1552 (TTAB 1987); see also *Mason Engineering & Design Corp. v. Mateson Chemical Corp.*, 225 USPQ 956, 957 n.4 (TTAB 1985). In accordance with ordinary Board practice, consideration of the proposed amendment is deferred until final hearing.

In view thereof, applicant's identification of goods and services remains as set forth in the involved applications.

Dates remain as previously set.