

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

Am

Mailed: July 23, 2010

Opposition No. 91195262

Sensible Foods LLC

v.

World Gourmet Marketing LLC¹

Linda Skoro, Interlocutory Attorney

On June 23, 2010 opposer filed a motion to amend its notice of opposition to include a petition for cancellation of applicant's Registration No. 3915083, and that the two proceedings be "consolidated" into this opposition. Opposer is advised that the required fee for the petition to cancel to be instituted has not been received. Trademark Rule 2.111(c)(3)(i). Opposer is further informed that its petition to cancel the registration is a counterclaim and will be part of this proceeding, should the appropriate filing fee be paid.

In view thereof, opposer is allowed **thirty days** from the mailing date of this order to file the appropriate fee.²

¹ Opposer's addition of "FCC, LLC, DBA First Capital" to the caption as a party defendant is improper in that the "assignee" is not an assignee at all, but the former holder of a security interest and it will not be considered as a party to the proceeding.

Dates remain as currently set, unless and until opposer perfects its counterclaim, at which point a new trial schedule will be issued.

² The fee should identify the registration should to be cancelled so that it can be joined in this proceeding.