

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

csq

Mailed: February 7, 2011

Opposition No. **91195666**

Philip Restifo

v.

Power Beverages, LLC

By the Board:

On January 11, 2011, the Board issued an order granting applicant's motion to dismiss with respect to the likelihood of confusion and dilution claims, with leave to amend, but denying the motion with respect to opposer's ownership and non-use claims.

The Board allowed opposer time to file an amended pleading, failing which, the Board would dismiss the likelihood of confusion and dilution claims.

No amended notice of opposition has been filed. In view thereof, the likelihood of confusion and dilution claims are dismissed. This proceeding will move forward on the ownership and non-use claims.

Applicant is allowed until TWENTY DAYS from the mailing date of this order to file an answer thereto.

Opposition No. 91195666

Proceedings herein are suspended pending final disposition of the parties' related Opposition No. 91181671.

Within twenty days after the final determination of the Board proceeding, the interested party should notify the Board so that this case may be called up for appropriate action.

During suspension, the parties should notify the Board of any change in address for counsel or the parties.