

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

Mailed: December 16, 2010

Opposition No. 91196073

Pasquale & Denise

v.

Dirty Beats, LLC

**M. Catherine Faint,  
Interlocutory Attorney:**

On December 9, 2010 the Board held a telephone conference involving Andrea J. Mealey, counsel for Pasquale & Denise, Janet B. Linn, counsel for Dirty Beats, LLC, and Interlocutory attorney Catherine Faint.

On November 23, 2010, opposer filed an amended notice of opposition. An extension of time to oppose the application was granted extending the time for filing an opposition until August 14, 2010. A party to an inter partes proceeding before the Board may, pursuant to Fed. R. Civ. P. 15(a), amend its pleading once as a matter of course at any time before a responsive pleading is served. However, pleadings in an opposition proceeding against an application filed under Section 1 of the Act may not be amended to add to the goods or

services opposed after the close of the time period, including any extension of time, for filing an opposition. Trademark Rule 2.107(a).

The original notice of opposition opposed only those goods in Classes 35 and 41, while the proposed amended notice of opposition seeks to add Classes 9 and 42. The extended time for filing a notice of opposition had closed well before the filing of the proposed amended notice of opposition. Accordingly, the motion to amend is denied.

It is noted, however, that opposer also appears to seek to amend the claims. Accordingly, opposer is allowed until **THIRTY DAYS** from the date of this teleconference to file and serve an amended notice of opposition in conformance with the rules.

Dirty Beats, LLC is allowed **THIRTY DAYS** from the filing of any amended notice of opposition to serve and file its answer, or otherwise plead.

Dates are reset as follows.

Time to Answer	30 days from amended pleading
Deadline for Discovery Conference	2/16/2010
Discovery Opens	2/16/2010
Initial Disclosures Due	3/18/2010
Expert Disclosures Due	7/16/2010
Discovery Closes	8/15/2010
Plaintiff's Pretrial Disclosures	9/29/2010
Plaintiff's 30-day Trial Period Ends	11/13/2010
Defendant's Pretrial Disclosures	11/28/2010
Defendant's 30-day Trial Period Ends	1/12/2011
Plaintiff's Rebuttal Disclosures	1/27/2011

Plaintiff's 15-day Rebuttal Period  
Ends

2/26/2011

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served 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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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