

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

Mailed: February 3, 2011

Opposition No. 91196650

Kilim Mobilya Kanepe Sanayi
Ve Ticaret A.S.

v.

Kilim Furniture International
LLC

**George C. Pologeorgis,
Interlocutory Attorney:**

On January 25, 2011, applicant filed its answer to opposer's amended notice of opposition.

Following a review of applicant's answer, the Board notes that, as its Sixth Affirmative Defense, applicant seeks to amend the identification of goods from the involved application by deleting certain goods from the identification. The Board construes this affirmative defense as an unconsented motion to amend the application.

Applicant is advised that the Board generally defers determination of a timely filed (i.e., pre-trial) unconsented motion to amend in substance until final decision, or until the case is decided upon summary judgment. *See Space Base Inc. v. Stadis Corp.*, 17 USPQ2d 1216 (TTAB 1990) (motion to amend identification of goods deferred); *Fort Howard Paper Co.*

Opposition No. 91196650

v. C.V. Gambina Inc., 4 USPQ2d 1552 (TTAB 1987) (motion to amend dates of use deferred); and *Mason Engineering & Design Corp. v. Mateson Chemical Corp.*, 225 USPQ 956, 957 n.4 (TTAB 1985) (same).

Accordingly, applicant's construed unconsented motion to amend its application is hereby deferred until final decision or until the case is decided upon summary judgment.

Trial dates remain as reset by Board order dated December 3, 2010.