

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

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Mailed: June 30, 2016

Opposition No. 91197505

Omega SA (Omega AG) (Omega Ltd.)

v.

Alpha Phi Omega

Geoffrey M. McNutt, Interlocutory Attorney:

Applicant's motion (filed June 20, 2016) to amend the identifications of goods in involved Application Serial No. 77905236 is noted. Applicant, in its motion, has indicated that Opposer does not consent to the amendment.¹ Accordingly, the Board will consider Applicant's unconsented motion without awaiting a response from Opposer.

The amendment of any application which is the subject of an *inter partes* proceeding before the Board is governed by Trademark Rule 2.133. Thus, an application which is the subject of a Board *inter partes* proceeding may not be amended in substance, except with the consent of the other party and the approval of the Board, or except upon motion granted by the Board.

¹ Moreover, in the June 20, 2016, teleconference with the parties that preceded the filing of Applicant's motion, Opposer informed the assigned interlocutory attorney that it does not consent to Applicant's proposed amendment.

An unconsented motion to amend in substance is generally deferred until final decision or until the case is decided upon summary judgment. *Enbridge Inc. v. Excelerate Energy L.P.*, 92 USPQ2d 1537, 1539 n.3 (TTAB 2009) (motion to amend identification of goods and dates of use deferred until final hearing); *Space Base Inc. v. Stadis Corp.*, 17 USPQ2d 1216, 1219 (TTAB 1990) (motion to amend identification of goods deferred). Deferred consideration of a proposed amendment allows the parties to more appropriately develop the record and argue the effect of the amendment. In view of the foregoing, because Opposer does not consent to Applicant's proposed amendment to its identification of goods, consideration of the proposed amendment is **DEFERRED** until final hearing.

Trial dates remain as last reset in the Board's scheduling order mailed on May 10, 2016.²

² Applicant's change of correspondence address filed June 14, 2016 is noted. The Board's record has been updated accordingly.