

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

MT

Mailed: February 8, 2012

Opposition No. 91202271

Desnoes & Geddes Limited

v.

Rick Flayler

**Andrew P. Baxley, Interlocutory Attorney:**

On January 31, 2012, applicant filed a consented motion to amend his application Serial No. 85243727. By the proposed amendment, applicant seeks to change the identification of goods **from** "energy drinks" **to** "ready-to-drink all-natural brewed tea product."<sup>1</sup>

An applicant may amend an application to clarify or limit, but not to broaden, the identification of goods and/or services. See Trademark Rule 2.71(a). The proposed amended identification of goods is unacceptable because it broadens the identification to encompass tea products that are not energy drinks.<sup>2</sup> Accordingly, the consented motion to amend is denied.

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<sup>1</sup> Applicant also filed an unconsented motion to amend on January 29, 2012. In view of the filing of the consented motion to amend, the Board will treat the unconsented motion as having been withdrawn.

<sup>2</sup> If applicant wants to adopt the proposed amended identification of goods, it may so adopt in a new application.

In view of the foregoing, dates are reset as follows.

Answer Due	3/4/12
Deadline for Discovery Conference	4/3/12
Discovery Opens	4/3/12
Initial Disclosures Due	5/3/12
Expert Disclosures Due	8/31/12
Discovery Closes	9/30/12
Plaintiff's Pretrial Disclosures Due	11/14/12
Plaintiff's 30-day Trial Period Ends	12/29/12
Defendant's Pretrial Disclosures Due	1/13/13
Defendant's 30-day Trial Period Ends	2/27/13
Plaintiff's Rebuttal Disclosures Due	3/14/13
Plaintiff's 15-day Rebuttal Period Ends	4/13/13

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.

If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.