

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

Mailed: September 5, 2014

Opposition No. 91212680

Opposition No. 91213587

Frito-Lay North America, Inc.

v.

Real Foods Pty Ltd

Nicole Thier, Paralegal Specialist:

On September 2, 2014, applicant filed a proposed amendment to its application Serial Nos. 85820051 and 79111074, without opposer's consent.

Insofar as this application is subject to the Board's jurisdiction within the context of the above-referenced opposition proceeding, Trademark Rule 2.133 applies and applicant should have filed its amendment in accordance with the filing procedures governing Board proceeding.

In accordance with the provisions thereof, 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 or parties and the approval of the Board, or upon motion. *See* 37 CFR §2.133(a).

In view of the foregoing, opposer is allowed until **thirty days** to file its consent to applicant's proposed amendment, failing which the Board may defer

Opposition No. 91212680

consideration of applicant's proposed amendment until determination of this proceeding at final decision or upon summary judgment.