

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 23, 2014

Opposition No. 91212680
(**Parent Case**)
Opposition No. 91213587

Frito-Lay North America, Inc.

v.

Real Foods Pty Ltd

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

On September 2, 2014, Applicant filed an unconsented motion to amend the identification of goods in each of its subject applications in this consolidated case. Opposer's September 22, 2014, response to Applicant's motion is noted.

The Board generally will defer determination of a timely filed (i.e., pretrial) unconsented motion to amend in substance until final decision, or until the case is decided upon summary judgment. *See 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).

Because Opposer has not provided its consent to Applicant's proposed amendments, consideration of these amendments is hereby deferred until final decision, or until the case is decided upon summary judgment.

Trial dates remain as reset by Board order dated July 11, 2014.