

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: February 17, 2015

Opposition No. 91219514

Diesel S.p.A.

v.

Jeffrey McLennon and Stephen
Thomas

Karl Kochersperger, Paralegal Specialist:

On December 31, 2015, applicant filed a proposed amendment to its involved application without opposer's consent.¹

The Board ordinarily defers consideration of an unconsented motion to amend in substance, such as the instant motion, until final hearing, or until the case is decided upon summary judgment. See *Fort Howard Paper Co. v. C.V. Gamina Inc.*, 4 USPQ2d 1552 (TTAB 1987); see also *Mason Engineering & Design Corp. v. Mateson Chemical Corp.*, 225 USPQ 956, 957 n.4 (TTAB 1985). In accordance with ordinary Board practice, consideration of the proposed amendment is deferred until final hearing.

¹ Applicant's proposed amendment does not indicate proof of service of a copy of same on counsel for opposer, as required by Trademark Rule 2.119. A copy of the amendment can be viewed using TTABVUE at <http://ttabvue.uspto.gov>. It is noted that applicant's filing contains a cc: at the end of the filing but does not contain a proper certificate of service.

In view thereof, applicant's mark remains as set forth in the involved application.

In light of the Board's delay in acting on applicant's request, dates are reset as follows:

Time to Answer	3/14/2015
Deadline for Discovery Conference	4/13/2015
Discovery Opens	4/13/2015
Initial Disclosures Due	5/13/2015
Expert Disclosures Due	9/10/2015
Discovery Closes	10/10/2015
Plaintiff's Pretrial Disclosures	11/24/2015
Plaintiff's 30-day Trial Period Ends	1/8/2016
Defendant's Pretrial Disclosures	1/23/2016
Defendant's 30-day Trial Period Ends	3/8/2016
Plaintiff's Rebuttal Disclosures	3/23/2016
Plaintiff's 15-day Rebuttal Period Ends	4/22/2016

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.