

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

VV/gcp

Mailed: September 9, 2015

Opposition No. 91220531

Desnoes & Geddes, Limited

v.

Garden Island Brewing Company, LLC¹

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

On September 8, 2015, Applicant filed a proposed amendment to its application Serial No. 86330407, without Opposer's consent.

The proposed amendment to the involved application was filed through Trademark Electronic Application System (TEAS). An amendment to an application subject to a Board inter partes proceeding should be filed in the Board file for that proceeding, preferably through the Board's Electronic System for Trademark Trial and Appeal (ESTTA).

By the proposed amendment Applicant seeks to amend the identification of goods in International Class 32 of its involved application from "Beer, ale and lager" to "Beer, ale, and lager, excluding stout."

¹ Applicant's answer to the notice of opposition (filed March 15, 2015) is noted.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), the amendment would be acceptable. However, Opposer has not consented thereto. *See* Trademark Rule 2.133(a).

Accordingly, Applicant is allowed until **FIFTEEN (15) DAYS** from the mailing date of this order to provide Opposer's consent to the amendment of the identification of goods in International Class 32 of the involved application, failing which consideration of Applicant's proposed amendment will be deferred until final decision or until the case is decided upon summary judgment. *See* TBMP § 514.03 (2015).

Proceedings are otherwise suspended.