

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

Mailed: February 5, 2014

Cancellation No. 92057917

Riverbend Commercial Title
Agency Limited Partnership

v.

River Bend Center, LLC

Cheryl S. Goodman, Interlocutory Attorney:

Respondent filed, on November 1, 2013, an unconsented motion to amend dates of first use and use in commerce from December 31, 1998 to July 24, 1985 for both involved registrations. Petitioner did not file a response thereto.

An unconsented motion to amend in substance is generally deferred until final decision or until the case is decided upon summary judgment. TBMP Section 514.01 (3d ed.rev.2 2013).

Inasmuch as the motion is one of substance, consideration thereof is deferred until the case is decided upon summary judgment or final decision. *Threshold.TV Inc. v. Metronome Enterprises Inc.*, 96 USPQ2d 1031, 1036 (TTAB 2010) (considering earlier filed motion to amend first use

dates on final decision for which consideration of had been deferred).¹

Dates in this proceeding remain as set.

¹ Proof of an earlier date of use must be clear and convincing and must not be characterized by contradiction, inconsistencies or indefiniteness. See *Hydro-Dynamics, Inc. v. George Putnam & Co., Inc.*, 811 F.2d 1470, 1 USPQ2d 1772, 1773 (Fed. Cir. 1987).