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Filing date: **12/29/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91154615
Party	Defendant CAPPUCCINO AMERICANA CORPORATION Cappuccino Americana Corporation 765 Route 83 Bensenville, IL 60106
Correspondence Address	PATRICIA A. CIGELNIK ORUM & ROTH 53 W JACKSON BLVD., SUITE 1616 CHICAGO, IL 60604-3704
Submission	Other Motions/Papers
Filer's Name	Keith H. Orum
Filer's e-mail	email@orumroth.com
Signature	/keith orum/
Date	12/29/2005
Attachments	Motion to Amend Without Consent.pdf (3 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

RED BULL GMBH.,)	
)	
Opposer,)	
)	Opposition No.: 91-154,615
v.)	
)	
)	Trademark: WILD STALLION
CAPPUCCINO AMERICANA CORP.)	Application No. 78/ 066,394
)	
Applicant.)	

MOTION TO AMEND APPLICATION WITHOUT CONSENT

Applicant, Cappuccino Americana Corporation ("Cappuccino", or "Applicant") hereby moves the Trademark Trial and Appeal Board to amend the goods for Trademark Application No. 78/066,394 which is the subject of this Opposition. Applicant respectfully requests that the listing of goods and services be amended to delete "powders and syrups for making herbal and fruit energy drinks. Specifically, Applicant requests that the listing of goods and services be amended to read:

International Class: 032

NON-ALCOHOLIC BEVERAGES, NAMELY, HERBAL AND FRUIT ENERGY DRINKS.

The opposer in a parallel proceeding against Applicant (Opposition No. 91-159,407) and Applicant have reached a settlement of that matter. As part of that settlement, Applicant agreed to restrict the listing of goods and services to NON-ALCOHOLIC BEVERAGES, NAMELY, HERBAL AND FRUIT ENERGY DRINKS.

The parties in this Opposition are involved in a discussion of a possible settlement.

It is submitted that in view of the foregoing, good cause has been shown for this request and Applicant respectfully requests that its motion be granted and the listing of goods and services be amended.

Dated: 29 December 2005

_____/Keith H. Orum/
By: Attorney for Applicant,
Cappuccino Americana Corporation

KEITH H. ORUM
ORUM & ROTH LLC
53 West Jackson Boulevard
Chicago, Illinois 60604

