

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

Mailed: November 28, 2005

Opposition No. 91166356

SYNERGY PLAN, LLC, THE

v.

Synergy Staffing, Inc.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board

Opposer's consented motion, filed October 20, 2005, to amend its notice of opposition to correct an error in the statement of ownership of Registration No. 2058748 is granted. See Fed. R. Civ. P. 15(a).

The Board notes that opposer articulates that it seeks to amend the incorrect statement that "Applicant is the owner of registrations for the mark SYNERGY and variants of that mark including: ..." and then states information pertinent to Registration No. 2058748. Office records indicate that opposer is the owner of such registration. However, opposer has not provided an amended notice of opposition wherein it pleads that it is the owner of such registration. Nor does opposer provide an explanation to that effect in its motion to amend.

Accordingly, opposer is allowed until **thirty days** from the mailing date of this order in which to submit its amended

notice of opposition with the correct averments it appears to seek.

In the event that applicant believes an amended answer is necessary, applicant is allowed until **forty-five** days from the mailing date of this order to submit any such answer, failing which, the answer of record remains operative.

Discovery and trial dates are otherwise remain as set in the institution order dated August 25, 2005. Such dates are copied below:

Discovery period to close:	<b>March 13, 2006</b>
30-day testimony period for party in position of plaintiff to close:	<b>June 11, 2006</b>
30-day testimony period for party in position of defendant to close:	<b>August 10, 2006</b>
15-day rebuttal testimony period for plaintiff to close:	<b>September 24, 2006</b>

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.

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