

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

Mailed: November 5, 2009

Opposition No. 91188462

NITE LIFE OF SANTA BARBARA

v.

NITE LIFE CAR CLUB ASSOCIATION

**Ann Linnehan, Interlocutory Attorney**

Opposer's motion (filed August 12, 2009) for leave to file an amended notice of opposition is hereby granted as conceded. Trademark Rule 2.127(a). The amended notice of opposition is now the operative pleading.

It is noted that the notice of opposition contains an allegation of fraud as a ground for opposing registration of applicant's mark. Although the allegation of fraud was made prior to the August 31, 2009 decision of *In re Bose Corp.*, 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009), opposer is advised that any determination of the merits of its alleged ground of fraud (whether upon motion for summary judgment or at final decision) will be in accordance with *In re Bose Corp.*, which clarified the standard for proving fraud in cases before the United States Patent and Trademark

Office.<sup>1</sup>

Applicant has until **twenty days** from the date set forth in the above caption to file an answer to the amended notice of opposition.<sup>2</sup>

Dates remain otherwise as previously set.

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<sup>1</sup> This discussion of fraud is merely advisory. The Board makes no determination herein as to the merits of opposer's ground of fraud, the merits of any other ground for opposition, or the sufficiency of any of the allegations in the notice of opposition. See also *Asian and Western Classics B.V. v. Selkow*, \_\_\_ USPQ2d \_\_\_, Cancellation No. 92048821 (TTAB Oct 22, 2009).

<sup>2</sup> Applicant is advised that its discovery disclosures and responses should not be filed with the Board. See Trademark Rule 2.120(j)(8).