

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

Mailed: February 9, 2011

Opposition No. 91197965

GEA Group Aktiengesellschaft

v.

GeaCom, Inc.

**Robert H. Coggins,
Interlocutory Attorney:**

On January 26, 2011, applicant filed an unconsented motion to amend its dates of use.¹

Contrary to applicant's assertion, an amendment to the dates of use is an amendment of substance. "[I]t is the practice of the Board to defer ruling on motions to amend the dates of first use set forth in an application" until either final decision or the case is decided upon summary judgment. *Fort Howard Paper Co. v. G.V. Gambina Inc.*, 4 USPQ2d 1552, 1554 (TTAB 1987). *See also Enbridge Inc. v. Excelerate Energy LP*, 92 USPQ2d 1537, 1539 at n.3 (TTAB 2009) (unconsented motion to amend dates of use deferred).

¹ Applicant also filed an answer to the notice of opposition. The answer is noted and entered.

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Accordingly, applicant is allowed until thirty days from the mailing date of this order to submit opposer's consent to the proposed amendment, failing which the opposition will move forward on the unamended application, and consideration of the proposed amendment will be deferred until final decision or until the case is decided upon summary judgment.

Dates remain as previously set.