

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

VW

Mailed: September 4, 2013

Opposition No. 91202078

Charles Schwab & Co., Inc.

v.

Power Corporation of Canada

Jennifer Krisp, Interlocutory Attorney:

On August 28, 2013, applicant filed a proposed amendment to its involved application Serial No. 77113744, with the consent of opposer Charles Schwab & Co., Inc.

By the proposed amendment, applicant seeks to amend the identification of services in International Class 36 from:

Investment management, advisory and consultation services
to:

Corporate investment management and consulting services, namely, capital investment and capital investment consulting services provided to existing businesses.

The proposed amendment is unacceptable. In particular, the wording "capital investment" indicated in **bold** as follows:

Corporate investment management and consulting services, namely, **capital investment** and capital investment consulting services provided to existing businesses

identifies the service of capital investment services, and thus is beyond the scope of the existing identification of services, which is limited to investment management, advisory and consultation. In view thereof, applicant's motion to amend is denied. See Trademark Rule 2.71(a); TMEP Section 1402.06 *et seq.*

As applicant notes in its motion to amend, application Serial No. 77113744 is also opposed in Opposition No. 91201231. To reiterate, TBMP § 514.02 (2013) requires that the consent of the other opposer be of record herein before any amendment to the application may be approved by the Board. This requirement is conversely applicable with respect to the record in Opposition No. 91201231.

Proceedings have remained suspended. Because the parties seek to settle this case, proceedings are again suspended for thirty days from the mailing date of this order, so as to allow the parties time to prepare and submit an acceptable amendment to the opposed application, as appropriate. In the event that the parties do not file another motion to amend the application, or do not otherwise respond with a filing indicating settlement or disposition of this opposition, proceedings will resume and the opposition will go forward on the application as published in accordance with the following schedule:

Time to Answer	11/15/2013
Deadline for Required Discovery	12/15/2013

Conference	
Discovery Opens	12/15/2013
Initial Disclosures Due	1/14/2014
Expert Disclosures Due	5/14/2014
Discovery Closes	6/13/2014
Plaintiff's Pretrial Disclosures due	7/28/2014
Plaintiff's 30-day Trial Period Ends	9/11/2014
Defendant's Pretrial Disclosures due	9/26/2014
Defendant's 30-day Trial Period Ends	11/10/2014
Plaintiff's Rebuttal Disclosures due	11/25/2014
Plaintiff's 15-day Rebuttal Period Ends	12/25/2014

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.