

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

EJW/am

Mailed: December 5, 2016

Opposition No. 91230248

*CALIDA AG*

*v.*

*Callidae, LLC*

**ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:**

On October 25, 2016, pursuant to the parties' settlement agreement, Applicant filed a proposed amendment to application Serial No. 86752439, with Opposer's written consent, and Opposer's withdrawal with prejudice of the opposition, contingent upon entry of the amendment.<sup>1</sup>

By the proposed amendment, Applicant seeks to amend the identification of goods from:<sup>2</sup> "Sweaters; shirts; riding breeches; vests; riding coats" to: "**Equestrian apparel, including,** sweaters, shirts, riding breeches, vests, riding coats." Applicant's proposed amendment to the identification of goods is unacceptable. Specifically, the use of the term "including" in the proposed amendment makes the

---

<sup>1</sup> Applicant's amendment does not indicate proof of service of a copy of same on counsel for opposer, as required by Trademark Rule 2.119. A copy of the amendment can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

<sup>2</sup> Applicant's proposed wording is underlined and shown in bold type font.

identification indefinite. See Trademark Manual of Examining Procedure (TMEP) § 1402.03(a) (October 2016).

In view of the foregoing, the requested amendment to the identification of goods is *denied without prejudice*. Applicant may resubmit its amendment substituting the term “namely” for “including.”

Under the circumstances, the parties are allowed until **thirty (30) days** from the mailing date of this order to submit an amendment which overcomes the deficiencies noted above or to otherwise inform the Board how they wish to proceed in this matter.<sup>3</sup> Additionally, the Board’s consideration of Opposer’s withdrawal of the opposition is *deferred*.

Proceedings herein are otherwise SUSPENDED. If no response to this order is received within the time set, proceedings will be resumed, and appropriate dates will be reset.

\*\*\*

---

<sup>3</sup> Applicant may file a revised consented motion to amend the application and substitute the term “including” with the term “namely” in the proposed amendment