

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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December 2, 2020

Opposition No. **91256082**

*Softek Illuminate, Inc.*

*v.*

*Merck Sharp & Dohme Corp.*

**Yong Oh (Richard) Kim, Interlocutory Attorney:**

On July 8, 2020, Applicant counterclaimed<sup>1</sup> to cancel the registrations pleaded in Opposer's notice of opposition.<sup>2</sup> By the Board's order of July 13, 2020, Opposer was allowed until August 22, 2020, to answer the counterclaim.<sup>3</sup> That time was extended to September 21, 2020, with Applicant's consent.<sup>4</sup> On September 14, 2020, Opposer moved to amend its notice of opposition<sup>5</sup> and on September 21, 2020, Opposer answered the counterclaim.<sup>6</sup> Applicant did not contest the motion to amend.

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<sup>1</sup> 4 TTABVUE 6-20.

<sup>2</sup> 1 TTABVUE.

<sup>3</sup> 5 TTABVUE 1.

<sup>4</sup> 6 TTABVUE and 7 TTABVUE.

<sup>5</sup> 8 TTABVUE.

<sup>6</sup> 9 TTABVUE.

In view thereof, Opposer's motion to amend the notice of opposition is **GRANTED as conceded**, see Trademark Rule 2.127(a), and the amended notice of opposition is **ACCEPTED** and will serve as the operative pleading herein. As the amendment to the notice of opposition is not extensive, Applicant is allowed until **DECEMBER 18, 2020**, to answer the amended notice. Applicant need not replead its counterclaim.

Dates remain as last extended.<sup>7</sup>

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<sup>7</sup> If the parties have suspended action on this matter pending the Board's disposition of Opposer's motion to amend, the parties are invited to submit an appropriate schedule.