

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RSC/dmd

October 9, 2020

Opposition No. 91256175

SR84 S.r.L.

v.

Amir Cehaja

Rebecca Stempien Coyle, Interlocutory Attorney:

On August 3, 2020, Applicant filed a proposed amendment to its application Serial No. 88764830.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 25 as follows (additions in bold):

From:

Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic footwear; Athletic pants; Athletic shirts; Athletic shoes; Athletic shorts; Athletic skirts; Athletic tights

To:

Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms **all the aforementioned goods are not for cycling or cycling-related activities**; Athletic footwear **not for cycling or cycling-related activities**; Athletic pants **not for cycling or cycling-related activities**; Athletic shirts **not for cycling or cycling-related activities**; Athletic shoes **not for cycling or cycling-related activities**; Athletic shorts **not for cycling or cycling-related activities**; Athletic

skirts **not for cycling or cycling-related activities**; Athletic tights **not for cycling or cycling-related activities**

While the title of Applicant's motion is "Consent Motion to Amend" the motion itself does not include a statement indicating Opposer's consent to the proposed amendment.¹ The Board generally will defer determination of a timely filed unconsented motion to amend in substance until final decision, or until the case is decided upon summary judgment. *See* TBMP § 514.03.

In view thereof, Opposer is allowed **THIRTY DAYS** from the date of this order to file its consent to Applicant's proposed amendment, failing which consideration of the proposed amendment may be deferred.

Proceedings are otherwise **suspended** pending a response to this order. The schedule for Applicant's time to answer, the discovery conference, initial disclosures, discovery and trial will be reset in the event that the Board resumes proceedings.²

¹ The Board also notes Opposer did not file a response to Applicant's motion.

² In view thereof, Applicant's motion for an extension of time (8 TTABVUE) is moot.