

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

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Mailed: November 13, 2013

Opposition No. 91212396

Alfa Wassermann Hungary Kft.

v.

Takeda GmbH

**M. Catherine Faint,
Interlocutory Attorney:**

On October 24, 2013, applicant filed a proposed amendment to its application Serial No. 85812175.

By the proposed amendment applicant seeks to delete the words, "pharmaceutical preparations for the treatment of gastro-intestinal diseases and conditions," such that the identification of goods is amended to read:

"Pharmaceutical preparations for the treatment of respiratory diseases and conditions, anti-inflammatory preparations, anti-phlogistic preparations, anti-allergic preparations, analgesic preparations, anti-rheumatic preparations, pharmaceutical preparations for the treatment of cardiovascular diseases and conditions, pharmaceutical preparations for the treatment of cancer, pharmaceutical preparations for the treatment of diabetes, pharmaceutical preparations for the treatment of osteoporosis."

The amendment is clearly limiting in nature as required by Trademark Rule 2.71(b). While applicant indicates that the amendment is in accordance with the parties' settlement agreement, opposer's consent thereto is not of record, and a

copy of the settlement agreement is not attached. Where an unconsented motion to amend an application that is involved in an inter partes proceeding is filed before trial, the Board generally will defer determination of the motion until final decision. See TBMP § 514.03 (3d ed. rev. 2 2013).

Accordingly, proceedings herein are suspended to allow applicant until **THIRTY DAYS** from the mailing date of this order to notify the Board in writing, if accurate, that opposer consents to the proposed amendment. If applicant does not respond within the time allotted, or if applicant, or opposer, notifies the Board in writing that opposer does not consent to the proposed amendment, proceedings will be resumed and the opposition will go forward on the application as presently worded in International Class 5.

Proceedings are otherwise suspended.
