

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

am

Mailed: April 23, 2009

Opposition No. 91189224

JOHNSON & JOHNSON

v.

LUCKY BLUES INC.

**Linda Skoro, Interlocutory Attorney**

On April 16, 2009, applicant filed a proposed amendment to the drawing of record in application Serial No. 77332213 to change the mark from "HERBAL PATCH PLUS HP +" to "HERBAL PATCH PLUS". Applicant's proposed amendment does not contain the consent of opposer,<sup>1</sup> but otherwise appears to be in compliance with the rules that would allow for such an amendment.

In view thereof, opposer is allowed thirty days from the mailing date of this order to provide its written consent. In the event opposer does not consent, the amendment of the mark will be deferred until final hearing and proceedings will be resumed and trial dates reset.

Proceedings are otherwise suspended.

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<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. In order to expedite this matter, a copy of said amendment is forwarded herewith to opposer, but strict compliance with Trademark Rule 2.119 is required in all further papers filed with the Board.