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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91189611
Party	Plaintiff Hansen Beverage Company
Correspondence Address	Abraham W. Chuang Knobbe Martens Olson & Bear LLP 2040 Main Street Fourteenth Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com
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Date	08/16/2010
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

HANSEN BEVERAGE COMPANY,

Opposer,

v.

CYTOSPORT, INC.,

Applicant.

Opposition No. 91189611

Serial No.: 77588742

Mark: MONSTER PROTEIN

**STIPULATED REQUEST TO AMEND IDENTIFICATION OF GOODS
IN TRADEMARK APPLICATION AND TO DISMISS THE OPPOSITION
CONTINGENT ON THE ENTRY OF THE AMENDMENT**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Applicant hereby requests that the identification of goods in Application Serial No. 77588742 be amended as set forth below. This request is made with the express consent of the Opposer, as is evidenced by Opposer's signature below. Moreover, once (and only if) the amendment is entered, the parties stipulate to the withdrawal of the Opposition with prejudice. The withdrawal of the opposition is contingent on the entry of the requested amendment.

AMENDMENT

Applicant hereby requests that the identification of goods in the application and on the drawing page of the application be amended as follows:

Dietary and nutritional supplements, excluding ready to drink beverages

REMARKS

The proposed amendment of the mark is made in accordance with 37 C.F.R. § 2.133(a) and T.M.E.P. §605.03(b). As the amendment is clearly a limitation on the identification of goods and as Opposer has consented to the amendment, Applicant submits the amendment is proper.

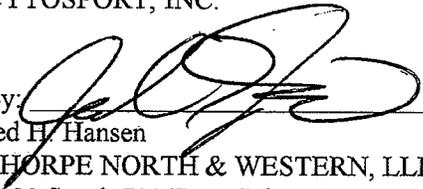
Finally, as indicated above, the parties stipulate and agree that Opposition No. 91189611 be dismissed with prejudice contingent upon entry of the amendment.

Respectfully submitted,

HANSEN BEVERAGE COMPANY

By: 
Steven J. Nataupsky
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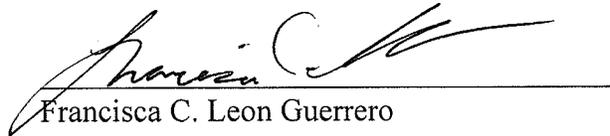
CYTOSPORT, INC.

By: 
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THORPE NORTH & WESTERN, LLP
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Attorney for Applicant,
Cytosport, Inc.

CERTIFICATE OF SERVICE

The parties have agreed to accept service by electronic mail. I hereby certify that I served a copy of the foregoing **STIPULATED REQUEST TO AMEND IDENTIFICATION OF GOODS IN TRADEMARK APPLICATION AND TO DISMISS THE OPPOSITION CONTINGENT ON THE ENTRY OF THE AMENDMENT** upon Applicant's counsel by transmitting one electronic copy thereof via electronic mail on August 16, 2010, as follows:

Jed H. Hansen
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