

ESTTA Tracking number: **ESTTA375369**

Filing date: **10/27/2010**

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

Proceeding	91193996
Party	Defendant Monsterops LLC
Correspondence Address	Dana H. Cardwell Dana H. Cardwell LLC 283 COLUMBINE STREET, PMB #162 DENVER, CO 80206 UNITED STATES danacardwell@comcast.net
Submission	Other Motions/Papers
Filer's Name	Dana Hartje Cardwell
Filer's e-mail	danacardwell@comcast.net, dcha@hdciplaw.com, mburke@mwe.com
Signature	/Dana Lynn Hartje Cardwell/
Date	10/27/2010
Attachments	Executed Post Publication Amendment.pdf (3 pages)(93746 bytes)

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

The Republic of Tea, Inc.)	
Opposer,)	
)	Opp. No. 91193996
)	
v.)	App. Serial No. 77/623,419
)	
)	Mark: GET SPIKED!
Monsterops LLC)	
Applicant.)	

POST PUBLICATION AMENDMENT WITH THE CONSENT OF OPPOSER

In order to avoid an opposition, the applicant respectfully requests that the following amendment be entered. Because the amendment is clearly a "narrowing" amendment which simply reduces the scope of the identification of goods in the application, there is no prejudice to the potential opposer and no need to republish the application as amended under the rules. Entry of the amendment in advancement of the application to registration is respectfully requested after the entry of the following amendment.

AMENDMENT

Please amend the identification of goods by adding the words appearing in bold italic type below. The remainder of the identification of goods as published is untouched by this amendment.

Nutritional supplements in liquid form, ***not including herbal, tea-based or tea-flavored supplements***, in International Class 5;

Non-alcoholic beverages, namely, sports drinks and energy drinks, ***not including herbal, tea-based or tea-flavored drinks***, in International class 32

REMARKS

The amendment restricts "herbal, tea-based and tea-flavored supplements" from the identification of goods in International Classes 5 and 32 and therefore is a narrowing amendment permitted by the rules as a post publication amendment and is one that does not require republication of the application. Entry of the amendment and advancement of the amended application to registration is respectfully requested at an early date.

If a telephone interview with the undersigned would expedite advancement of the application, the same is respectfully invited.

Respectfully submitted,

HAMILTON DESANCTIS CHA LLP

Date: October 25, 2010

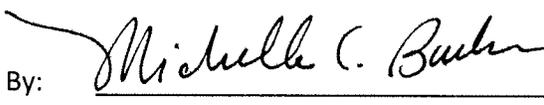
By:  _____

Don D. Cha
225 Union Blvd.
Suite 150
Lakewood, CO 80228
dcha@hdciplaw.com
303-955-8103
Attorney for Applicant

Consented to by Opposer, The Republic of Tea, Inc. (Opposer in Opposition No. 91193996 against Application Serial No. 77/623,419)

MCDERMOTT WILL & EMERY LLP

Date: Oct. 19, 2010

By:  _____

Michelle C. Burke
227 W. Monroe Street
Suite 4400
Chicago, IL 60606-5096
mburke@mwe.com
Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing POST PUBLICATION AMENDMENT WITH THE CONSENT OF OPPOSER was served upon the following attorney of record for Opposer by First Class Mail, postage prepaid, this 27 day of October, 2010:

Michelle Burke
McDermott Will & Emery LLP
227 W. Monroe Street, Suite 4400
Chicago, IL 60606-5096

By: _____



HAMILTON DESANCTIS CHA LLP