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

Proceeding	91212623
Party	Defendant Health Nut Cafe LLC
Correspondence Address	HEALTH NUT CAFE LLC 502 MEADOW LAKE DR EDMOND, OK 73003-5118 UNITED STATES amiralavi@cox.net
Submission	Other Motions/Papers
Filer's Name	Drew T. Palmer
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Signature	/Drew T. Palmer/
Date	09/25/2013
Attachments	Consent Motion to Amend Unrestricted Application to Concurrent Use Application.pdf(104479 bytes) Consent Motion to Dismiss.pdf(100647 bytes)

By: /Drew T. Palmer/
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted via ESTTA to the United States Patent and Trademark Office on this 25th day of September, 2013.

/Drew T. Palmer/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Consent Motion to Amend Unrestricted Application to Concurrent Use Application* was mailed first class mail, postage prepaid, this 25th day of September, 2013, to the following:

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

In re Application for: HEALTH NUT CAFE
Applicant Name: Health Nut Café LLC
Serial No.: 85/683,949
Filing Date: July 23, 2012
Date of Publication: March 26, 2013

New Health Nut Inc. AKA Health Nut)
)
)
 Opposer,)
)
 v.) Opposition No. 91212623
)
 Health Nut Café LLC)
)
)
 Applicant.)

Commissioner for Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

CONSENT MOTION TO DISMISS

Pursuant to TBMP 1113.1, Applicant, Health Nut Café LLC, hereby requests that the present Opposition be dismissed in light of amending the subject application, Serial No. 85/683,949, for HEALTH NUT CAFÉ (DESIGN), to a concurrent use application, and that a concurrent use proceeding be commenced. Opposer has consented to this motion in writing.

Respectfully submitted,

By: /Drew T. Palmer/
Drew T. Palmer

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