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

Proceeding	91220401
Party	Plaintiff Metagenics, Inc.
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Date	07/14/2015
Attachments	Metagenics v. Yoli Stipulation.pdf(15690 bytes)

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

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Metagenics, Inc., :
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 Opposer, : Opposition No.: 91220401
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 v. :
 :
 Yoli LLC, :
 :
 Applicant, :
-----X

**COMBINED STIPULATED REQUEST FOR AMENDMENT OF APPLICATION
AND CONDITIONAL MOTION FOR THE WITHDRAWAL OF OPPOSITION AND
STIPULATED MOTION TO SUSPEND OPPOSITION PROCEEDING**

I. Stipulated Request for Amendment

Pursuant to 37 C.F.R. 2.133 (a), Opposer hereby files this Stipulated Request for Amendment of Application Ser. No. 86/314,066, with the consent of Applicant pursuant to the Settlement Agreement entered into between the parties in this matter attached hereto. Opposer hereby requests the identification of goods in Class 5 be amended as follows:

ENDURAMIN, Application Ser. No. 86/314,066 – “nutritional proprietary ingredient blend sold as an ingredient name and integral component of dietary and nutritional supplements and dietary supplemental drinks and drink mixes distributed only through multi-level marketing and direct sales and not through retail outlets.”

The foregoing Amendment proposes to more narrowly define the identification of goods in Class 5 in this application. The Amendment is being filed pursuant to a Settlement Agreement

with Opposer. The amendment does not affect the substance of the Applicant's mark and more narrowly defines the scope of the goods covered by the application. Therefore, it is submitted the amendment can be entered without republication.

II. Stipulated Motion to Suspend the Opposition Proceeding

The parties respectfully request that the opposition proceeding be suspended so that the Board and Examiner can evaluate the proposed amendment to the application.

III. Stipulated Conditional Motion for Withdrawal

Petitioner requests that the Notice of Opposition that it filed in connection with Application Ser. No. 86/314,066 against ENDURAMIN be withdrawn conditioned upon the Trademark Trial and Appeal Board's and/or Examiner's acceptance of the Request to Amend the Identification of Goods in said application.

Metagenics, Inc. and Yoli LLC stipulate that the opposition proceeding shall be dismissed without prejudice upon the Board's acceptance of the Request to Amend the Identification of Goods in Application Ser. No. 86/314,066.

The undersigned consented to all of the foregoing:

/Dennis H. Cavanaugh/

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Attorneys for Opposer

Dated: July 14, 2015

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Dated: July 10, 2015

