

ESTTA Tracking number: **ESTTA99088**

Filing date: **09/13/2006**

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

Proceeding	92044835
Party	Plaintiff McLaughlin Gormley King Company  ,
Correspondence Address	Samuel T. Lockner WINTHROP & WEINSTINE, P.A. 225 South Sixth Street; Suite 3500 Minneapolis, MN 55402
Submission	Other Motions/Papers
Filer's Name	Kyle J. Kaiser
Filer's e-mail	kkaiser@winthrop.com, sbaird@winthrop.com, trademark@winthrop.com
Signature	/Kyle J. Kaiser/
Date	09/13/2006
Attachments	NoticeConsentAmendment.pdf ( 3 pages )(127276 bytes )

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

---

McLaughlin Gormley King Company,

Petitioner,

v.

Cancellation No. 92,044,835

Agriguard Company, LLC

Respondent.

---

**NOTICE OF CONSENT TO AMENDMENT OF REGISTRATION**

COMES NOW McLaughlin Gormley King Company ("Petitioner"), a Minnesota corporation, having a principal place of business at 8810 10<sup>th</sup> Avenue North, Golden Valley, Minnesota 55427, and, by and through its counsel, states as follows:

1. On or about August 16, 2005, Petitioner filed its Petition to Cancel Respondent Agriguard Company's ("Respondent") trademark registration, Number 2,882,139, for MULTIGUARD for "pesticides for agricultural and horticultural use" in International Class 5.
2. After Respondent answered the Complaint, the parties negotiated and, on or about March 9, 2006, signed a settlement agreement related to this Cancellation as well as a separately filed opposition to one of Respondent's other trademark applications.
3. As a condition of the settlement, the Parties agreed that Respondent would file papers with the United States Patent and Trademark Office to limit the description of the

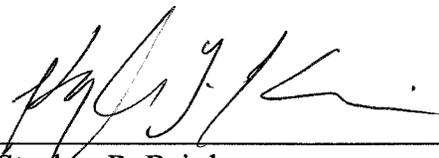
goods in the Registration to “nematicides and fungicides for agricultural and horticultural use.”

4. On or about April 16, 2006, Respondent filed with the Commissioner of Trademarks an Amendment of Registration, which requested that the Registration be amended to read “Nematicides and fungicides for agricultural and horticultural use in International Class 5.”
5. This Amendment was received by the Board on or about August 15, 2006.
6. Petitioner consents to the amendment of Registration No. 2,882,139 as stated in the Amendment filed by Respondent.
7. Upon action by the Board approving the Amendment, Petitioner will dismiss the pending cancellation petition pursuant to the terms of the settlement agreement.

WHEREFORE, Petitioner therefore requests that the Board accept and approve the Amendment to Registration.

Dated: September 13, 2006

WINTHROP & WEINSTINE, P.A.

By: 

Stephen R. Baird  
Kyle J. Kaiser

225 South Sixth Street  
Suite 3500  
Minneapolis, Minnesota 55402  
(612) 604-6400 (Telephone)  
(612) 604-6800 (Facsimile)

Attorneys for the McLaughlin Gormley  
King Co.

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

---

McLaughlin Gormley King Company,

Petitioner,

v.

Cancellation No. 92,044,835

Agriguard Company, LLC

Respondent.

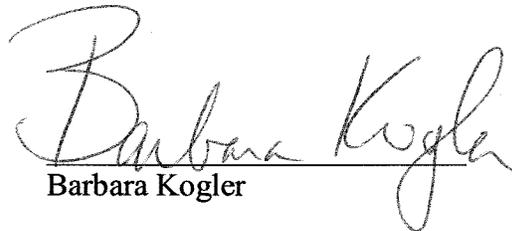
---

**CERTIFICATE OF SERVICE BY MAIL**

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF HENNEPIN    )

Barbara Kogler of the City of Minneapolis, County of Hennepin, in the State of Minnesota, being duly sworn, says that on the 13<sup>th</sup> day of September, 2006 she mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the **(1) NOTICE OF CONSENT TO AMENDMENT OF REGISTRATION** in the above-captioned action to the following at their last known addresses, to-wit:

Allen R. Kipnes, Esq.  
WATOV & KIPNES, P.C.  
P.O. Box 247  
Princeton Junction, NJ 08550

  
Barbara Kogler

Subscribed and sworn to before me  
this 13<sup>th</sup> day of September 2006.

  
NOTARY PUBLIC

2929102v1

