

ESTTA Tracking number: **ESTTA321991**

Filing date: **12/15/2009**

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

Proceeding	92050173
Party	Defendant Matthew James Landis
Correspondence Address	Scott L. Sackett II 170 S. Main Street, Suite 1125 Salt Lake City, UT 84101 UNITED STATES
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Matthew James Landis
Filer's e-mail	landismatt@msn.com
Signature	Matthew/James/Landis
Date	12/15/2009
Attachments	S7R-3483102.pdf (1 page)(36477 bytes) 0295_001.pdf (2 pages)(327749 bytes) amendment to Landis trademark.pdf (1 page)(140520 bytes)

We have received your Section 7 Request Form below.

To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **3483102**

ADDITIONAL STATEMENTS

Miscellaneous Statement(s)

NO CLAIM AT ALL IS MADE TO THE RIGHT TO USE THE TERM "LIFESTYLE SALON" IN THE ABOVE TRADEMARK.

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

Signature: /Matthew Landis/ Date: 11/02/2009

Signatory's Name: MATTHEW LANDIS

Signatory's Position: OWNER

Request Signature

Signature: /Matthew Landis/ Date: 11/02/2009

Signatory's Name: Matthew Landis

Signatory's Position: Owner

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the registrant or (2) a person(s) with legal authority to bind the registrant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

Thank you,

The TEAS support team

Mon Nov 02 17:51:06 EST 2009

STAMP: USPTO/S7R-98.202.94.72-20091102175106678598-3483102-

460e9da82ad49e22cc5cd528a54a3c335a-CC-4075-20091102174202125738

In the Matter of Trademark Registration No. 3,483,102
Mark: LANDIS LIFESTYLE SALON and Design
Class: International Class 44
Date Registered: August 12, 2008

-----X
AVEDA CORPORATION

Petitioner

- against -

Matthew James Landis

Respondent.
-----X

Cancellation No.: 92050173

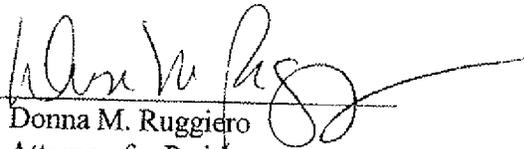
PETITIONER'S CONSENT TO AMEND TRADEMARK REGISTRATION

Petitioner, Aveda Corporation, hereby consents to respondent, Matthew James Landis' request to amend Trademark Registration No. 3483102 for LANDIS LIFESTYLE SALON and Design by deleting LIFESTYLE SALON from the registration.

Petitioner also consents to suspension of the cancellation proceedings pending the outcome of Respondent's request to amend the registration.

Aveda Corporation

BY


Donna M. Ruggiero
Attorney for Petitioner

Dated: December 10, 2009
New York, New York

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

AVEDA CORPORATION,
Petitioner

against

MATTHEW JAMES LANDIS,
Respondent.

Cancellation No. 92050173

DECLARATION OF MATTHEW JAMES
LANDIS

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signed on this 11th day of December, 2009

By: 

Name: Matthew James Landis

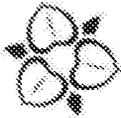
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No. 3,483,102
In the matter of Cancellation No. 92050173
For the Mark: LANDIS and Design
Date registered: November 9, 2009

AVEDA CORPORATION
Petitioner
v.
Matthew James Landis
Respondent

REQUEST TO AMEND TRADEMARK

1. By stipulation of the parties involved and per an agreement with opposing counsel, Donna Ruggiero of Aveda Corporation and Matthew James Landis have agreed that the Request for Cancellation be dismissed if Respondent agrees to delete the term "LIFESTYLE SALON" from the trademark.
2. Regarding Trademark Registration No. 3483102, Matthew Landis, hereby requests the term "LIFESTYLE SALON" be DELETED from the above trademark altogether.
3. Matthew Landis has submitted a Section 7 Request Form to the USPTO which included the amended image of the trademark without the term LIFESTYLE SALON. See image below.



LANDIS

WHEREFORE, Respondent respectfully prays that Registration No. 3483102 be sustained and that Cancellation No. 92050173 be dismissed.

BY
Matthew Landis
Respondent

Dated: Salt Lake City, UT
December 14, 2009