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

Proceeding	92053787
Party	Defendant Metagenics, Inc.
Correspondence Address	DENNIS H CAVANAUGH D H CAVANAUGH ASSOCIATES 555 FIFTH AVENUE, 17TH FLOOR NEW YORK, NY 10017 UNITED STATES dhc@dhcavanaugh.net
Submission	Other Motions/Papers
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Date	08/01/2012
Attachments	Metagenics adv James Stipulation Amending Registration - Final for Filing.pdf ( 3 pages )(89348 bytes )

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

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Everett W. James aka Tad James, :  
 :  
 : Petitioner, : Cancellation No.: 92053787  
 : : Registration No. 3,467,675  
 :  
 v. :  
 :  
 Metagenics, Inc., :  
 :  
 : Registrant, :  
-----X

**STIPULATED REQUEST FOR AMENDMENT OF REGISTRATION**

Pursuant to 37 C.F.R. 2.133 (a) and TBMP §§514 *et seq.*, Registrant hereby files this Stipulated Request for Amendment of Registration No. 3,467,675, with the consent of Petitioner pursuant to the Settlement Agreement entered into between the parties in this matter. Registrant hereby requests the identification of goods and services in the registration be amended as follows:

**International Class 16:**

Printed educational materials and printed practice management materials for licensed healthcare practitioners, namely, printed books for distribution to licensed healthcare practitioners for patient education on the subject of managing, counseling and guiding patients with physical illnesses and chronic physical health conditions; printed books for distribution to licensed healthcare practitioners for practice management on the subjects of managing, counseling and guiding patients with physical illnesses and chronic physical health conditions; printed books for distribution to licensed healthcare practitioners for professional education on the subjects of managing, counseling and guiding patients with physical illnesses and chronic physical health conditions; posters and brochures for distribution to licensed healthcare practitioners for patient education and professional education, both on the subjects of managing, counseling and guiding patients with physical illnesses and chronic physical health conditions

**International Class 41:**

Educational and practice management seminars for licensed healthcare practitioners in the fields of managing, counseling and guiding patients with physical illnesses and chronic physical health conditions

The foregoing Amendment proposes to more narrowly define the identification of goods and services in this registration. The Amendment is being filed pursuant to a Settlement Agreement with Petitioner. The amendment does not affect the substance of the Registrant's mark and more narrowly defines the scope of the goods and services covered by the registration. Therefore, it is submitted the amendment can be entered without republication.

The undersigned have consented to all of the foregoing:



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Martin E. Hsia, Esq.  
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(808) 544-3835

Attorneys for Petitioner

Dated: 7/31/12



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(212) 856-7210

Attorneys for Registrant

Dated: 7/31/12

CERTIFICATE OF SERVICE

DENNIS H. CAVANAUGH, declares that:

I am counsel for the Registrant in the captioned action, and that on the execution date which appears below, a true copy of the foregoing was served on Petitioner's counsel by causing the same to be sent via email to the following email addresses:

mhsia@cades.com  
cmiwa@cades.com

2. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that all of the foregoing is true and correct.

Dated: New York, New York  
August 1, 2012

/Dennis H. Cavanaugh/  
By \_\_\_\_\_  
Dennis H. Cavanaugh