

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

vw/gcp

Mailed: September 26, 2012

Cancellation No. 92053787

Everett W. James aka
Tad James

v.

Metagenics, Inc.

**George C. Pologeorgis,
Interlocutory Attorney:**

On August 15, 2012, the Board allowed registrant time in which to submit the appropriate fee for an earlier-filed proposed amendment to its Registration No. 3467675. On August 22, 2012, registrant filed the fee.

By the proposed stipulated amendment, registrant seeks to change the identification of goods and services in International Classes 16 and 41 of its involved registration as follows:

International Class 16:

from:

"Printed educational materials and printed practice management materials for healthcare practitioners, namely, printed books for patient education on the subject of health and nutrition, printed books for practice management on the subjects of health and

nutrition, printed books for professional education on the subjects of health and nutrition, posters and brochures for patient education and professional education on the subjects of health and nutrition";

to:

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

from:

"Educational and practice management seminars for healthcare practitioners in the fields of health and nutrition";

to:

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."

Inasmuch as the amendment is procedurally sufficient, is clearly limiting in nature, and petitioner consents thereto,

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it now complies with all the procedural requirements of Trademark Rule 2.173, and therefore is approved. See Trademark Rule 2.133(a) and 2.173(b).

The amendment will be forwarded to the Post Registration Branch of this Office for appropriate action in accordance with Section 7(e) of the Trademark Act.

If this resolves the dispute herein, petitioner is allowed until thirty days from the mailing date of this order to file a withdrawal of the petition to cancel, failing which the petition to cancel will go forward on the registration as amended. See Trademark Rule 2.114(c).

Proceedings are otherwise suspended.

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