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11-13-2001

U.S. Patent & TMOfo/TM Mail Rcpt Dt #11

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


MAGNO-HUMPHRIES LABS, INC.,)	
an Oregon Corporation,)	
)	
Opposer,)	Opposition No. 112,571
)	
v.)	
)	
LEINER HEALTH PRODUCTS, INC.,)	
a Delaware Corporation,)	
)	
Applicant.)	

REQUEST TO TAKE JUDICIAL NOTICE

During hearing before the Trademark Trial and Appeal Board on November 6, 2001 at 3:00 p.m. in the above-referenced proceeding, Nancy J. Moriarty, counsel for opposer, requested that the board take judicial notice of the enclosed Board Order. Opposer renews its request and encloses the Board Order.

Dated November 8, 2001.

Respectfully submitted,

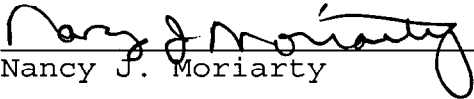


 Nancy J. Moriarty
 of Attorneys for Opposer
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CERTIFICATE OF MAILING

I hereby certify that the original and two copies of Opposer's Request to Take Judicial Notice is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box TTAB, NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on November 8, 2001.

Date November 8, 2001.



Nancy J. Moriarty

CERTIFICATE OF SERVICE

It is hereby certified that a correct copy of Opposer's Trial Brief was served on applicant on November 8, 2001, by mailing said copy via first class mail to Michael C. Painter, of attorneys for Applicant, at his regular office address, to wit:

Michael C. Painter
Isaacman, Kaufman & Painter
8484 Wilshire Boulevard, suite 850
Beverly Hills, CA 90211

Date November 8, 2001.



Nancy J. Moriarty

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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

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OCT 24 2001
PAT. & T.M. OFFICE

Cancellation No. 29,547

Magno-Humphries Labs, Inc.

v.

Strength and Conditioning
Technologies, Inc. t/a
Optimum Training Systems

On July 18, 2001, the Board issued an order allowing respondent thirty day to submit the original certificate of registration or a statement indicating that it had been lost or destroyed with respect to the partial voluntary surrender of its Registration No. 1,907,020 in International Class 5, with petitioner's written consent, failing which the Board would presume that the original certificate of registration has been lost. The record shows no response thereto.

In view thereof, the petition to cancel is dismissed without prejudice in accordance with Trademark Rule 2.134(a), and Registration No. 1,907,020 is forwarded to the Deputy Commissioner for Trademark Operations for a partial

Canc. No. 29,547

cancellation under Section 7(e) of the Trademark Act with respect to the goods in International Class 5.

***By the Trademark Trial
and Appeal Board***