

ESTTA Tracking number: **ESTTA9623**

Filing date: **06/03/2004**

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

Proceeding	91155657
Party	Defendant Garden of Life, Inc. Garden of Life, Inc. 1449 Jupiter Park Dr. Suite 16 Palm Beach Gardens, FL 33458
Correspondence Address	STEPHEN T. SAMUEL CORPORATE CREATIONS PROF. ASSOC. 941 FOURTH STREET #200 MIAMI BEACH, FL 33139
Submission	Applicant's Motion on Consent to Request Amendment of Application
Filer's Name	Carrie Webb Olson
Filer's e-mail	colson@edwardsangell.com
Signature	/carrie webb olson/
Date	06/03/2004
Attachments	PET DEFENSE - Consent to Amend Application.tiff (3 pages)

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

In the matter of: Serial No. 76/403,896
Date of filing: May 3, 2002
Mark: PET DEFENSE
Date of Publication: November 5, 2002

Schering-Plough Veterinary Corporation)

Opposer,)

Opposition No. 91155657

v.)

Garden of Life, Inc.)

Applicant.)

**APPLICANT'S MOTION ON CONSENT TO REQUEST AMENDMENT OF
APPLICATION**

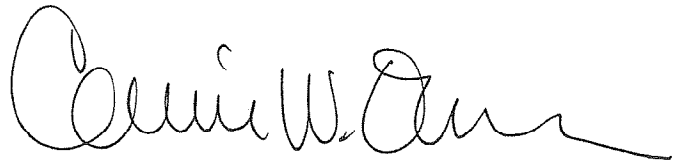
Pursuant to Trademark Rule 2.133, Garden of Life, Inc., Applicant herein, through its authorized attorney requests that Application Serial No. 76/403,896 for the mark PET DEFENSE be amended. Applicant requests that the original identification of goods in Application Serial No. 76/403,896 be deleted in its entirety and the following identification of goods, which limits the original recitation, be substituted therefor:

"Dietary food supplements for maintaining the digestive health of animals," in Class 5.

Applicant received Opposer's consent to this request for amendment of application from Opposer's counsel, David J. Kera. Applicant requests this amendment of application pursuant to a Trademark Agreement entered into by Applicant and Opposer. Accordingly, Applicant and Opposer request this amendment to application in accordance with their agreement to resolve this matter amicably and without unnecessary expenditure of the Board's resources.

A copy of this motion on consent is being sent to Opposer's counsel.

Respectfully submitted,



Carrie Webb Olson
EDWARDS & ANGELL, LLP
Three Stamford Plaza
301 Tresser Boulevard
Stamford, CT 06901
Tel: (203)975-7505

dated: April 23, 2004

CERTIFICATE OF SERVICE

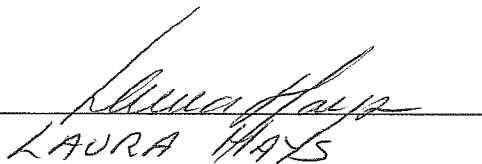
I certify that copies of the foregoing APPLICANT'S MOTION ON CONSENT TO REQUEST AMENDMENT OF APPLICATION was sent via first class mail, postage pre-paid on this 3rd day of April 2004 to:

June

David J. Kera, Esq.
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Name:



Laura Mats

Opposers hereby consent to the Applicant's Motion to Amend the Identification of Goods of Application Serial No. 76/403,896 as requested in Applicant's Motion.

Respectfully submitted,

Schering-Plough Animal Health Corporation
And
Schering-Plough Veterinary Corporation

By:



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Date: May 19, 2004

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