

ESTTA Tracking number: **ESTTA45671**

Filing date: **09/20/2005**

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

Proceeding	91160842
Party	Defendant Le-Nature's Inc. Le-Nature's Inc. 11 Lloyd Ave Latrobe, PA 15650
Correspondence Address	CHARLES H. DOUGHERTY, JR. REED SMITH LLP PO BOX 488 PITTSBURGH, PA 15230-0488 cdougherty@reedsmith.com
Submission	Motion to Amend Application
Filer's Name	Charles H. Dougherty, Jr.
Filer's e-mail	ptoipinbox@reedsmith.com, cdougherty@reedsmith.com
Signature	/Charles H. Dougherty, Jr./
Date	09/20/2005
Attachments	01364usopconsentedmotion.pdf (2 pages)

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

SOCIETE ANONYME DES EAUX
MINERALES D'EVIAN,

Opposer,

v.

LE-NATURE'S INC.,

Applicant.

Opposition No. 91160842

Appln. Serial No. 76/315,327

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

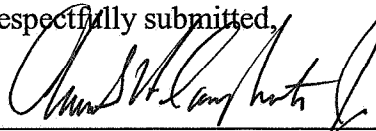
CONSENTED TO MOTION TO AMEND APPLICATION DURING PROCEEDINGS
PURSUANT TO 37 CFR § 2.133(a)

Applicant, LE-NATURE'S INC., ("Applicant"), hereby requests that their application,
Serial No. 76/315,327, be amended to add the following disclaimer:

-- No claim is made to the exclusive right to use the color blue for a
beverage bottle cap apart from the mark as shown. --

Opposer, via counsel, Amy Sullivan Cahill, has consented to this amendment via e-
mail transmission dated September 2, 2005.

Respectfully submitted,



Charles H. Dougherty, Jr.
Reg. No. 42,494
Louis A. DePaul
Reg. No. 28,407
Both Members of the Bar of Pennsylvania

Dated: September 20, 2005

REED SMITH LLP
P.O. Box 488
Pittsburgh, PA 15230-0488
(412) 288-7229

Counsel for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing CONSENTED TO MOTION TO AMEND APPLICATION DURING PROCEEDINGS PURSUANT TO 37 CFR § 2.133(a) was served on Jeffrey H. Kaufman, Esquire, Oblon, Spivak, McClelland, Maier & Neustadt, P.C., 1940 Duke Street, Alexandria, Virginia 22314, by first-class mail, postage prepaid, this 20th day of September, 2005.

A handwritten signature in black ink, appearing to read "Charles H. Dougherty, Jr.", written over a horizontal line.

Charles H. Dougherty, Jr.