

ESTTA Tracking number: **ESTTA54620**

Filing date: **11/22/2005**

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

<b>Proceeding</b>	91165700
<b>Party</b>	Defendant PROTHERA INC. PROTHERA INC. 10439 DOUBLE R BLVD RENO, NV 89521
<b>Correspondence Address</b>	BRIAN GEOGHEGAN GEOMARK 620 N 34TH ST #102 SEATTLE, WA 98103-8678  brian@geomarklaw.com
<b>Submission</b>	Motion to Amend Application
<b>Filer's Name</b>	Brian Geoghegan
<b>Filer's e-mail</b>	brian@geomarklaw.com
<b>Signature</b>	/bg/
<b>Date</b>	11/22/2005
<b>Attachments</b>	INTACTIC Motion to TTAB to Amend ID -- final.pdf ( 1 page )

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

INTERVET INTERNATIONAL BV,

Opposer,

v.

PROTHERA INC.,

Applicant

Applicant's Motion to Amend  
Application with Consent of Opposer

Opposition No.: 91165700  
Application No.: 78303921

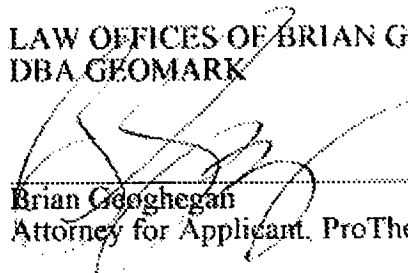
Applicant ProThera Inc. ("Applicant") hereby requests that the description of goods in Application Serial No. 78303921 be amended to read as follows:

"preparations for human use, namely, vitamin and mineral supplements, nutritional supplements, dietary supplements, food supplements, pharmaceutical preparations to help support intestinal health, and homeopathic pharmaceutical preparations to help support intestinal health."

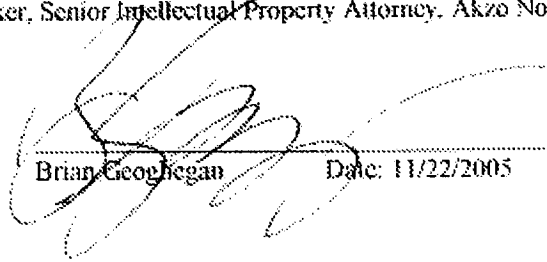
This request is submitted with the consent of Opposer Intervet International BV ("Opposer") and pursuant to an agreement, executed by both parties, completely settling this opposition. Pursuant to that agreement, Opposer shall, within ten (10) business days of receiving confirmation of the foregoing amendment of Application Serial No. 78303921, dismiss this opposition and allow Application No. 78303921 to proceed to registration as amended.

DATED: November 22, 2005

LAW OFFICES OF BRIAN GEOGHEGAN  
DBA GEOMARK

  
Brian Geoghegan  
Attorney for Applicant, ProThera Inc.

I hereby certify that a true and complete copy of the foregoing Applicant's Motion to Amend Application with Consent of Opposer has been served on Opposer's attorney, Lainie E. Parker by mailing said copy on November 22, 2005, via First Class Mail, postage prepaid to: Lainie E. Parker, Senior Intellectual Property Attorney, Akzo Nobel Inc., 7 Livingstone Ave., Dobbs Ferry, NY 10522-3408

  
Brian Geoghegan Date: 11/22/2005

Law Offices of Brian Geoghegan  
620 N. 34 St., Ste 102  
Seattle, WA 98103

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

acampbell

Mailed: November 28, 2005

Opposition No. 91165700

Intervet International BV

v.

PROTHERA INC.

**Linda M. Skoro, Interlocutory Attorney:**

On November 22, 2005, applicant filed a proposed amendment to its application Serial No. 78303921, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods **from** "vitamin and mineral supplements; nutritional supplements; dietary supplements; food supplements; pharmaceutical preparations to help support intestinal health; homeopathic pharmaceutical preparations to help support intestinal health" **to** "preparations for human use, namely, vitamin and mineral supplements, nutritional supplements, dietary supplements, food supplements, pharmaceutical preparations to help support intestinal health, and homeopathic pharmaceutical preparations to help support intestinal health."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).