

ESTTA Tracking number: **ESTTA44080**

Filing date: **09/02/2005**

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

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|-------------------------------|--|
| Proceeding | 91166005 |
| Party | Defendant Rickel, Valerie Rickel, Valerie P.O. Box 64460 Los Angeles, CA 90064 |
| Correspondence Address | Rickel, Valerie PO BOX 64460 LOS ANGELES, CA 90064-0460 |
| Submission | Motion to Amend Application |
| Filer's Name | Wm. Charles Saunders, Attorney at Law |
| Filer's e-mail | chuck.saunders@comcast.net |
| Signature | /wcs/ |
| Date | 09/02/2005 |
| Attachments | Motion to Amend Application with Opposer's Consent.pdf (3 pages) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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|-------------------------|---|--------------------------|
| MAJESTIC DRUG CO., INC. |) | |
| |) | |
| Opposer, |) | Opposition No.: 91166005 |
| |) | |
| vs. |) | Serial No. 78403780 |
| |) | Mark: MANDALA |
| VALERIE RICKEL |) | |
| |) | |
| Applicant. |) | |

**MOTION TO AMEND APPLICATION WITH OPPOSER'S CONSENT
UNDER 37 C.F.R. 2.133(a)**

Subject to the approval of the Board, Applicant requests that Application Serial No. 78403780 for the mark MANDALA be amended by deleting the following goods from the identification of goods:

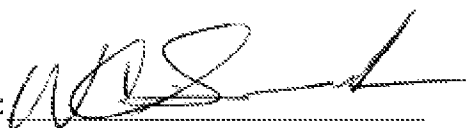
“sexual enhancement aids, namely balms, gels and lotions.”

Applicant submits that the amendment deleting these goods complies with all applicable rules and statutory provisions and may be entered without republication of the application. To Applicant's counsel's knowledge, the application is not the subject of any other proceedings before the Board.

This Motion is filed pursuant to an agreement between Opposer and Applicant. Opposer has consented to the use and registration of Applicant's mark on the goods covered by the application, subject to the foregoing amendment deleting “sexual enhancement aids, namely balms, gels and lotions” and the entry of the above amendment by the Patent and Trademark

Office. Upon entry of the above amendment, Opposer has agreed to withdraw the opposition. Opposer, through its counsel, consented to this Motion in an email communication with Applicant's undersigned attorney.

Respectfully submitted,

By: 
Attorney for Applicant

Dated: September 2, 2005

Wm. Charles Saunders
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing MOTION TO AMEND APPLICATION WITH OPPOSER'S CONSENT UNDER 37 C.F.R. 2.133(a) has been served by first class mail, postage pre-paid this 2nd day of September, 2005 to:

Laura E. Goldbard
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038-4982

A handwritten signature in black ink, appearing to read "WCS", written over a horizontal dotted line.

Wm. Charles Saunders