

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

AM

Mailed: February 16, 2007

Opposition No. 91166558

Leiner Health Services Corp.

v.

Health Net, Inc.

Jyll S. Taylor, Administrative Trademark Judge:

On February 9, 2007, applicant filed a proposed amendment to its application Serial No. 78338039, with opposer's consent.

By the proposed amendment applicant seeks to change the identification of goods in Class 35 **from:**

Health care utilization, review and cost containment services; medical cost management for the health benefit plans of others; doctor referrals; cost management for the health care benefit plans of others; business consulting services for businesses in the field of employee health programs; billing services in the field of health care; cost management for the dental and vision benefit plans of others; referral services with respect to dental and vision care providers; promoting the goods and services of others by providing discounts for products and services in the field of health and wellness; online retail store services featuring health care products in the field of health maintenance and health care, namely, eyewear, health club memberships, hearing aids, vitamins and nutritional supplements, cosmetics, and books and videos in the field of

health and nutrition; negotiation services for employers in the field of health care services"

to:

Health care utilization, review and cost containment services; medical cost management for the health benefit plans of others; doctor referrals; cost management for the health care benefit plans of others; business consulting services for businesses in the field of employee health programs; billing services in the field of health care; cost management for the dental and vision benefit plans of others; referral services with respect to dental and vision care providers; promoting the goods and services of others by providing discounts for products and services in the field of health and wellness; online retail store services featuring health care products in the field of health maintenance and health care, namely, eyewear, health club memberships, hearing aids, cosmetics, and books and videos in the field of health and nutrition; negotiation services for employers in the field of health care services;

and the goods in Class 44 **from:**

Health maintenance organization services, namely health plans; health care services in the nature of health maintenance organizations and preferred provider organizations; providing information relating to health care, health maintenance, and related products via a web site on the Internet; managed chiropractic care services; medical services, namely, providing employee assistance programs for personal problem assessment and wellness promotion, namely, alcohol and drug abuse; health care services in the nature of dental and vision care management organizations; health care services in the nature of dental and vision care maintenance organizations; dental and vision care in the nature of a preferred provider organization; dental care services, in the nature of a program that provides resources to help with the continuing efforts to improve the dental health of members; providing information in the fields of preventative health and wellness via a global computer network; consulting in the field of employee dental and vision programs; nursing services, namely, providing assistance via telephone in the fields of health, health care,

and wellness; health care management services in the field of dental and vision care; providing information regarding dental and vision care via a global computer network; providing eye exams and hearing exams; acupuncture, chiropractic and massage therapy services; providing information regarding dental and vision care; and weight management services **to:**

Health maintenance organization services, namely health plans; health care services in the nature of health maintenance organizations and preferred provider organizations; providing information relating to health care, health maintenance, and related products, excluding vitamins and nutritional supplements, via a web site on the Internet; managed chiropractic care services; medical services, namely, providing employee assistance programs for personal problem assessment and wellness promotion, namely, alcohol and drug abuse; health care services in the nature of dental and vision care management organizations; health care services in the nature of dental and vision care maintenance organizations; dental and vision care in the nature of a preferred provider organization; dental care services, in the nature of a program that provides resources to help with the continuing efforts to improve the dental health of members; providing information in the fields of preventative health and wellness via a global computer network; consulting in the field of employee dental and vision programs; nursing services, namely, providing assistance via telephone in the fields of health, health care, and wellness; health care management services in the field of dental and vision care; providing information regarding dental and vision care via a global computer network; providing eye exams and hearing exams; acupuncture, chiropractic and massage therapy services; providing information regarding dental and vision care; and weight management services"

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer

Opposition No. 91166558

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).

Proceedings herein are otherwise suspended.
