

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

In the Matter of Trademark Application

Applicant: American Longevity, Inc.

Trademark: VITALE'

Serial No. 78/489171

Published in the Trademark Official Gazette: September 6, 2005

SHAKLEE CORPORATION)

Opposer)

v.)

AMERICAN LONGEVITY, INC)

Applicant)

Opposition No. 91,166,977



08-29-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #30

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DATE OF DEPOSIT: August 29, 2006

I hereby certify that this STIPULATED MOTION TO AMEND APPLICATION AFTER PUBLICATION is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to United States Patent & Trademark Office, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451

Ned Ardagna

Date

8/29/2006

STIPULATED MOTION TO AMEND APPLICATION AFTER PUBLICATION

This application was published for opposition on September 6, 2005, and has been opposed by Shaklee Corporation in an Opposition assigned Number 91,166,977. The parties have reached an agreement as to a description of goods and a change in the International Classification which the Opposer believes will not lead to a likelihood of confusion. Accordingly, Applicant, with the consent of the Opposer, submits this amendment and request.

IDENTIFICATION OF GOODS:

Please amend the identification of Goods in the application by substituting the following

identification of the goods for the identification that is presently pending in the application:

“Concentrated juice made from fruit, vegetable and herbal extracts.”

INTERNATIONAL CLASSIFICATION:

Please amend the International Classification in the application by substituting the following International Classification of the goods for the Classification that is presently pending in the application:

“International Classification 032.”

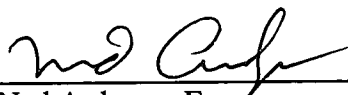
REMARKS:

This application was published for Opposition on September 6, 2005 and has been opposed by Shaklee Corporation in an Opposition assigned Number 91,166,977. Opposer is the owner of several registered trademarks for nutritional supplements. Opposer believes that the current description of goods and International Classification of the goods for the Applicant’s published mark would cause confusion, mistake or deception with Opposer’s marks. In order to avoid this conflict, Applicant has agreed to amend the goods and services description, along with the International Classification in its Application.

Applicant requests that the Board approve this Amendment, remand the Application to the Examiner-Attorney and that the registration issue forthwith on this application. Applicant has secured the express consent of the Opposer for this amendment and these remarks.

Date: *August 29, 2006*

Respectfully Submitted,



Ned Ardagna, Esq.,
Attorneys for the Applicant.
4045 Bonita Road, Suite 206,
Bonita, California, 91902-1336

CERTIFICATE OF SERVICE

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

Mark: VITALE'
Shaklee Corporation v. American Longevity, Inc.
Opposition No. 91,166,977

This is to certify that a copy of the foregoing:

STIPULATED MOTION TO AMEND APPLICATION AFTER PUBLICATION

was this day served on the Shaklee Corporation, Opposer, by depositing a copy thereof with the United States Postal Service, First Class, postage fully prepaid and addressed to:

Kevin M. Hayes, Esq.
Klarquist Sparkman, LLP
One World Trade Center
121 S.W. Salmon Street, Suite 1600
Portland OR 97204-2988

In declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 29, 2006, at Chula Vista, California.


Ned Ardagna, Esq.