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Filing date: **05/14/2008**

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

| | |
|---------------------------|--|
| Proceeding | 91182723 |
| Party | Defendant Velcera, Inc. |
| Correspondence Address | Peter J. Willsey Cooley Godward Kronish LLP 1200 19th St. N.W. Washington, DC 20036 UNITED STATES spiascik@cooley.com |
| Submission | Motion to Amend Application |
| Filer's Name | Susan L. Piascik |
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| Signature | /Susan L. Piascik/ |
| Date | 05/14/2008 |
| Attachments | Second_Motion_Amend_PROMIST_Class10.pdf (3 pages)(68207 bytes) |

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

In the matter of Trademark Application No. 77/026,267
For the Trademark PROMIST

| | | |
|--|---|--------------------------------|
| Wyeth, |) | |
| |) | |
| Opposer, |) | |
| |) | Opposition No. <u>91182723</u> |
| v. |) | |
| |) | |
| Velcera, Inc., |) | |
| |) | |
| Applicant. |) | |
| <hr style="border: 0.5px solid black;"/> | | |

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

MOTION TO AMEND WITH CONSENT PURSUANT TO 37 C.F.R. § 2.133(a)

Velcera, Inc. (“Applicant”), through its undersigned attorney, hereby requests amendment of the identification of goods for its mark PROMIST, Application Serial No. 77/026,267 (the “Application”), the subject of the above-referenced opposition proceeding, as follows.

DRUG DELIVERY DEVICE, NAMELY, ORAL SPRAY DEVICE FOR TRANSMUCOSAL DELIVERY OF PHARMACEUTICAL, MEDICAL AND VETERINARY PREPARATIONS, EXCLUDING PRODUCTS FOR THE PREVENTION AND/OR TREATMENT OF FLEA AND TICK INFESTATION, ALL IN INTERNATIONAL CLASS 10.

Applicant inadvertently included the word “specifically” in the proposed amended identification of goods set forth in its Motion To Amend With Consent Pursuant to 37 C.F.R. § 2.133(a) dated May 1, 2008. Applicant submits that the proposed amendment set forth above does not broaden the recitation of goods identified in the Application pursuant to 37 C.F.R. §

2.71(a). Applicant's request is made with the consent of Wyeth ("Opposer") and pursuant to a settlement agreement executed by the parties on April 29, 2008. Favorable consideration is hereby requested.

Respectfully submitted,

COOLEY GODWARD KRONISH LLP

Dated: May 14, 2008

By:



Peter J. Willsey, Esq.

Susan L. Piascik, Esq.

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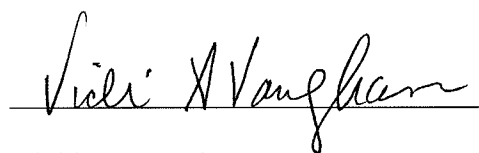
Attorneys for Velcera, Inc.

CERTIFICATE OF SERVICE

I, Vicki A. Vaughan, hereby certify that a true and correct copy of the foregoing MOTION TO AMEND WITH CONSENT PURSUANT TO 37 C.F.R. § 2.133(a) was served on May 14, 2008 by first class mail, postage prepaid, on the following attorney for the Opposer:

Sudipta Rao, Esq.
Wyeth
Five Giralda Farms
Madison, NJ 07940

Dated: May 14, 2008

A handwritten signature in cursive script, reading "Vicki A. Vaughan", is written over a horizontal line.

Vicki A. Vaughan