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

Proceeding	91187553
Party	Defendant Leehar Distributors, Inc.
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Submission	Motion to Amend Application
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Signature	/John E. Petite/
Date	07/14/2009
Attachments	Amend LDI App.pdf ( 2 pages )(12224 bytes )

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

In the Matter of Trademark Application	)	
Serial Nos. 77/412,801 and 77/412,887	)	
Filed March 4, 2008, by	)	Opposition No. 91/187,553
Leehar Distributors, Inc., Published July 22, 2008,	)	
For the Trademarks: “LDI” and “LDI & Design”	)	
	)	I hereby certify that this paper is being
Aldi Inc.,	)	transmitted electronically via the Electronic
	)	System for Trademark Trials and Appeals
	)	(“ESTTA”) to the United States Patent and
Opposer,	)	Trademark Office <a href="http://www.uspto.gov">http://www.uspto.gov</a> on this
	)	date: July 14, 2009.
v.	)	/ <i>John E. Petite</i> /
	)	_____
Leehar Distributors, Inc.,	)	
	)	
Applicant.	)	

BOX TTAB/NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

**MOTION TO AMEND APPLICATIONS WITH CONSENT**

Applicant Leehar Distributors, Inc. (“Applicant”), hereby respectfully moves that the Board grant leave to amend its applications pursuant to 37 C.F.R. § 2.133(a) and TMEP § 1505.01(f). Opposer Aldi Inc. (“Opposer”) consents to the amendment. In support of this Motion, Applicant respectfully states as follows:

1. Applicant filed application Serial Nos. 77/412,887 and 77/412,801 for LDI & Design and LDI (“Applications”) in Class 35 covering “retail pharmacy services,” in Class 36 covering “pharmacy benefit management services,” and in Class 44 covering “health care services.”
2. Applicant respectfully moves to amend the Applications by deleting “retail pharmacy services” in Class 35 so that the Applications seek registration under Classes 36 and 44 only.
3. Pursuant to Rule 37 CFR § 2.133(a) of the Federal Rules of Regulations and TMEP § 1505.01(f), “an applicant involved in a proceeding may not amend in substance nor may a registration

be amended or disclaimed in part, except with the consent of the other party or parties and the approval of the Trademark Trial and Appeal Board or except upon motion. TBMP § 514.02.

4. The parties believe the amendment is amending the application to clarify and limit the Application, not to broaden. TMEP § 1402.06.

5. The proposed amendment does not alter the mark, materially or otherwise.

WHEREFORE, for the reasons and based on the authorities stated above, Applicant respectfully (1) requests that the Board approves amendment of the application; and (2) requests such other and further relief as the Board deems just and appropriate under the circumstances.

Dated: July 14, 2009

Respectfully submitted,

By           /John E. Petite/

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