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

Proceeding	91188832
Party	Defendant PHARMAVITE LLC
Correspondence Address	STANLEY W. SOKOLOFF BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD 7TH FLOOR LOS ANGELES, CA 90025-1040 UNITED STATES tm_filings@bstz.com, daniel_russell@bstz.com
Submission	Motion to Amend Application
Filer's Name	Daniel J. Russell
Filer's e-mail	tm_filings@bstz.com, daniel_russell@bstz.com, adriana_vidal@bstz.com
Signature	/djr/
Date	04/13/2009
Attachments	Motion to Amend Identification of Goods.PDF ( 3 pages )(55244 bytes )

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

Balance Bar Company	)	
	)	
Opposer	)	Opposition No.: 91188832
	)	
v.	)	Serial No.: 77/540338
	)	
Pharmavite LLC	)	
	)	
Applicant	)	
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Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MOTION TO AMEND IDENTIFICATION OF GOODS**

With the consent of counsel for the Opposer, and pursuant to 37 C.F.R. §2.133, Applicant hereby moves to amend the identification of goods in Application Serial No. 77/540338. *See also* TBMP §§514 *et seq.* Specifically, Applicant requests the following amendment to the identification of goods:

*“Dietary supplements, excluding nutritional bars,” in International Class 5.*

Applicant respectfully submits that as the aforementioned amendment is limiting in nature, the amendment is in compliance with 37 C.F.R. §2.71(a), and further, that republication is not necessary.

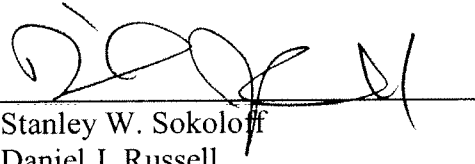
When a request to amend an application is made with the consent of the parties, and is in compliance with all other applicable rules, as is the case here, the Board ordinarily approves the

request. TBMP §514.02. Accordingly, Applicant respectfully requests that its motion to amend the identification of goods be granted.

Respectfully submitted,

PHARMAVITE LLC

Dated: 9-13-09



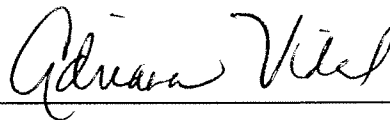
Stanley W. Sokoloff  
Daniel J. Russell  
Blakely, Sokoloff, Taylor & Zafman, LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, CA 90025  
(310) 207-3800  
Attorneys for Applicant

PROOF OF SERVICE

I, Adriana Vidal, hereby declare that I am employed by the law firm of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, 12400 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90025-1026; that I am over 18 years of age and not a party to the within action; and that I served the following document: **MOTION TO AMEND IDENTIFICATION OF GOODS**, relating to Opposition No. 91188832 this 13th day of April 2009, by causing a true copy to be delivered via electronic mail as agreed to by the parties to:

Susan H. Frohling  
BALANCE BAR COMPANY  
Three Lakes Drive  
Northfield, IL 60093  
[sfrohling@Kraft.com](mailto:sfrohling@Kraft.com)

I certify under penalty of perjury under the Laws of the State of California that the above is true and correct. Executed on April 13, 2009 at Los Angeles, California.



Name: Adriana Vidal