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Filing date: **08/25/2011**

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

Proceeding	91198798
Party	Defendant Pharmachem Laboratories, Inc.
Correspondence Address	CHARLES J RAUBICHECK FROMMER LAWRENCE & HAUG LLP 745 5TH AVE NEW YORK, NY 10151-0099 UNITED STATES docket@flhlaw.com, dweinhouse@flhlaw.com, bvassallo@flhlaw.com
Submission	Motion to Amend Application
Filer's Name	Charles J. Raubicheck
Filer's e-mail	craubicheck@flhlaw.com, docket@flhlaw.com, bvassallo@flhlaw.com
Signature	/Charles J. Raubicheck/
Date	08/25/2011
Attachments	00967589.PDF ( 3 pages )(51052 bytes )

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

In the matter of Application Serial No. 85/053,975

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THE REPUBLIC OF TEA, INC.,	:	
	:	
Opposer,	:	
	:	Opposition No. 91198798
v.	:	
	:	
PHARMACHEM LABORATORIES, INC.,	:	
	:	
Applicant.	:	
	:	
-----	X	

**MOTION ON CONSENT TO AMEND APPLICATION**

This opposition having been commenced by Opposer on March 2, 2011; and the parties having resolved the issues raised by the Notice of Opposition by separate agreement; and one of the conditions of said agreement providing that Applicant shall amend the identification of goods in the subject Application; now, therefore,

Applicant, pursuant to 37 CFR §§2.71(a) and 2.133 and TMEP 804.09, hereby moves, with the consent of Opposer, for an order permitting Applicant to amend the identification of goods in Application Serial No. 85/053,975 for the mark GET IT ENERGIZED as follows:

Dietary supplemental drinks, **not including dietary supplemental drinks that are herbal infusions, herbal teas, tea-based or tea-flavored**, in Class 5; and

Energy drinks; soft drinks; soft drinks, namely, carbonated soft drinks, low calorie soft drinks, non-carbonated soft drinks; sports drinks, **not including energy drinks, soft drinks or sports drinks that are herbal infusions, herbal teas, tea-based or tea-flavored**, in Class 32.

This motion was consented to by Opposer by its execution of the settlement agreement on August 16, 2011.

Applicant respectfully requests that this motion be granted and that the identification of the goods be amended as specified herein.

Respectfully submitted,

Dated: August 25, 2011



Charles J. Raubicheck  
FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, New York 10151  
(212) 588-0800

*Attorneys for Applicant*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **MOTION ON CONSENT TO AMEND APPLICATION** has been sent by first class mail, postage prepaid, this 25<sup>th</sup> day of August, 2011, and by E-mail, to Opposer's counsel, as follows:

Michelle C. Burke, Esq.  
McDermott Will & Emery  
227 West Monroe Street  
Chicago, IL 60606

Email: [mburke@mwe.com](mailto:mburke@mwe.com)



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Charles J. Raubicheck