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Filing date: **01/14/2013**

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

Proceeding	91200405
Party	Defendant Nature & Innovation
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Submission	Motion to Amend Application
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Date	01/14/2013
Attachments	Casella Motion to Amend Application.pdf (3 pages)(24766 bytes)

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

Casella Wines Pty Ltd.	:	
an Australian corporation,	:	
	:	
Opposer,	:	Serial No.: 79/072,117
	:	
v.	:	Opposition No.: 91200405
	:	
Nature & Innovation	:	
a French (SAS)	:	
	:	
Applicant.	:	
	:	

MOTION TO AMEND APPLICATION

The parties to the above-captioned opposition have reached a settlement. In accordance with the executed agreement, on September 11, 2012, Applicant amended the identification of goods for corresponding International Registration No. 1011034 by filing an MM6(F) form with the World Intellectual Property Organization (“WIPO”). Pursuant to Trademark Rule 2.133(a), Applicant hereby moves the Trademark Trial and Appeal Board to permit the amendment of Applicant’s identification of goods indicated herein below for U.S. Serial No. 79/072,117. Opposer has consented to this motion through its counsel, David M. Perry, Esquire. See T.B.M.P. § 514.02.

AMENDMENT

Applicant respectfully requests the Commissioner for Trademarks to accept the following revised identification of goods, whereby Class 32 reflects deletions and Classes 30 and 31 remain unchanged:

-- COFFEE, TEA, COCOA, SUGAR, RICE, TAPIOCA, SAGO, ARTIFICIAL COFFEE; FLOUR; PREPARATIONS MADE FROM CEREALS, NAMELY, CEREAL BARS; BREAD, PASTRY; CONFECTIONERY, NAMELY, FRUIT JELLY; PIZZAS, QUICHES LORRAINE, TARTS; CAKES; COOKIES AND BISCUITS; BEVERAGES MADE WITH COFFEE AND TEA; CHOCOLATE FOOD BEVERAGES NOT BEING DAIRY-BASED OR VEGETABLE BASED; NON-MEDICINAL HERBAL INFUSIONS; FLAVORINGS FOR BEVERAGES AND CAKES OTHER THAN ESSENTIAL OILS; SWEETS, TOFFEES; CEREAL BASED SNACK FOOD; CHEWING GUM FOR NON-MEDICAL PURPOSES; ICE FOR REFRESHMENT; EDIBLE ICES; HONEY, TREACLE, YEAST, BAKING-POWDER; SALT, MUSTARD; PEPPER; VINEGAR; SAUCES; SPICES; SEASONINGS (INT. CL. 30)

-- FRESH CITRUS FRUIT; FRESH ORANGES; FRESH LEMONS; FRESH FRUIT; FRESH VEGETABLES; LIVE PLANTS; NATURAL FLOWERS; DRIED PLANTS; DIETETIC FOODSTUFFS FOR NON-MEDICAL USE, NAMELY, FRESH CITRUS FRUIT, FRESH FRUIT AND VEGETABLES, LIVE PLANTS AND NATURAL FLOWERS; FOOD SUPPLEMENTS FOR NON-MEDICAL USE MADE FROM CITRUS FRUIT, FRESH FRUIT AND VEGETABLES, PLANTS AND NATURAL FLOWERS; MEAL REPLACEMENTS FOR NON-MEDICAL USE, NAMELY, FRESH CITRUS FRUIT, FRESH FRUIT AND VEGETABLES, LIVE PLANTS AND NATURAL FLOWERS; FRESH ALMONDS, FRESH PEANUTS, FRESH HAZELNUTS, FRESH WALNUTS, AND FRESH OLIVES (INT. CL. 31)

-- MINERAL AND SPARKLING WATERS; FRUIT DRINKS AND FRUIT JUICES; NON-ALCOHOLIC FRUIT EXTRACTS; SYRUPS FOR BEVERAGES; NON-ALCOHOLIC BEVERAGES; PREPARATIONS FOR MAKING BEVERAGES; ESSENCES FOR MAKING BEVERAGES; VEGETABLE JUICES (BEVERAGES); FRUIT NECTARS (INT. CL. 32)

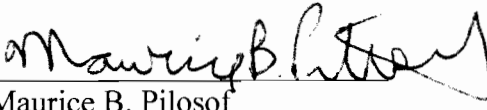
CONCLUSION

Whereas Applicant has complied with the rules concerning a motion for the amendment of an application during an inter partes proceeding, Applicant respectfully requests that the above-identified application's identification of goods be amended accordingly.

Respectfully submitted,

NATURE & INNOVATION

Dated: January 3, 2012

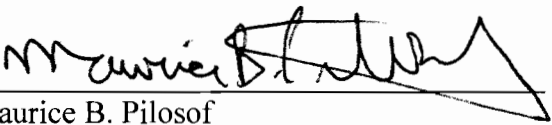
By: 
Maurice B. Pilosof
Attorney for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing MOTION TO AMEND APPLICATION upon Opposer's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid on January 3, 2012, addressed as follows:

David M. Perry, Esq.
BLANK ROME LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103-6998


Maurice B. Pilosof