

ESTTA Tracking number: **ESTTA970317**

Filing date: **04/30/2019**

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

Proceeding	91244593
Party	Defendant JH Biotech, Inc.
Correspondence Address	RALPH D CHABOT LAW OFFICE OF RALPH D. CHABOT 2310 E. PONDEROSA DR., STE 4 CAMARILLO, CA 93010-4747 UNITED STATES rdc@chabotlaw.com 8053885028
Submission	Motion to Amend Application
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Date	04/30/2019
Attachments	05 Motion to Change Status .pdf(93812 bytes)

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

In the Matter of:

Mark: SEEDUP
Serial No. 87/953,971
Date of Filing: 06-08-2018

Cytozyme Laboratories, Inc.)	
)	
Opposer,)	Opposition No.: 91244593
)	
vs.)	
)	
JH Biotech, Inc.)	MOTION TO AMEND APPLICATION
)	AND BRIEF IN SUPPORT
Applicant.)	
_____)	

MOTION TO AMEND APPLICATION

Applicant JH Biotech Inc. respectfully requests that the Application for trademark registration, Serial No. 87/953,971 for the mark SEEDUP, be amended as follows:

Amend the filing status,

From: Actual Use §1(a);

To: Intent-to-Use §1(b).

BRIEF IN SUPPORT

Pursuant to Rule 37 CFR § 2.133(a), “an Application subject to an opposition may not be amended in substance, except with the consent of the other party or parties and the

approval of the Trademark Trial and Appeal Board, or upon motion granted by the Board".

Opposer has not provided its consent for amending the status of Applicant's SEEDUP application. Accordingly, Applicant respectfully requests the Board to grant the motion amending the SEEDUP application status from §1(a) to §1(b).

/s/ Ralph D. Chabot

Ralph D. Chabot
Attorney for Applicant
JH Biotech, Inc.

Date: April 30, 2019

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing:

MOTION TO AMEND APPLICATION AND BRIEF IN SUPPORT

has been served on Peter M. de Jonge of Thorpe North & Western, LLP, counsel for Opposer, by forwarding said copy on April 30, 2019 via email to: dejonge@tnw.com; jillaine.chaston@tnw.com; kaelynn.moultrie@tnw.com; aimee.kaderabek@tnw.com; litigation@tnw.com.

/s/ Ralph D. Chabot

Ralph D. Chabot
Attorney for Applicant
JH Biotech, Inc.

Date: April 30, 2019