

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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VV/JMM

April 4, 2020

Opposition No. 91249278

ChromaDex Inc.

v.

Carol Cole Company

Jill M. McCormack, Interlocutory Attorney:

On March 16, 2020, Opposer filed the parties' stipulation to amend Opposer's involved Registration No. 4512267, with Applicant's written consent.¹ The parties further stipulate that, contingent upon entry of the proposed amendment, the opposition and counterclaim to cancel should be dismissed with prejudice.

By the proposed amendment, Opposer seeks to amend the identification of goods in International Class 1 of its subject registration as follows:²

From: Phytochemicals for use in the manufacturing of dietary supplements, nutritional products, **and** pharmaceuticals ~~and cosmetics~~

To: Phytochemicals for use in the manufacturing of dietary supplements, nutritional products, and pharmaceuticals

¹ For clarity, this order will refer to Opposer/Counterclaim Defendant, ChromaDex, Inc., as Opposer, and Applicant/Counterclaim Plaintiff, Carol Cole Company, as Applicant.

² The strike-through wording is to be deleted and the language in bold is to be added.

Although the amendment is otherwise acceptable, it was (1) not accompanied by the proper fee under Trademark Rule 2.6; and (2) not verified or supported by a declaration under Trademark Rule 2.20. *See* Trademark Rules 2.6(a)(11), 2.133(a) and 2.173(b).

In addition, the parties' stipulation was signed on behalf of Opposer by Mark Friedman. However, according to the Board's records, this is not the name of any attorney of record for Opposer, nor does Mr. Friedman identify himself as an individual authorized to represent Opposer pursuant to Patent and Trademark Office Rule 11.14(e), 37 C.F.R. § 11.14(e). *See* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) §§ 114–114.01 (2019).

Accordingly, Opposer is allowed **30 DAYS from the date of this order** to (i) notify the board, in writing, that Mr. Friedman is authorized to represent Opposer in this proceeding, and (ii) to submit the required fee and declaration in support of the proposed amendment, failing which said amendment will be given no further consideration.

Proceedings are otherwise **suspended** pending Opposer's response to this order.