

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

June 24, 2020

Opposition No. 91249278

ChromaDex Inc.

v.

Carol Cole Company

By the Trademark Trial and Appeal Board:

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.

On April 4, 2020, the Board issued an order allowing Opposer time 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.

On May 1, 2020, Opposer filed a declaration on Mark Friedman in response to the Board's order dated April 4, 2020, wherein Opposer submitted the required fee,

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

declaration, and notification that Mr. Friedman is authorized to represent Opposer in this proceeding.

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

The amendment complies with the requirements of Trademark Rule 2.173, and is limiting in nature. Moreover, Applicant consents thereto. Accordingly, the amendment is approved. *See* Trademark Rule 2.133(a).

The amendment will be forwarded to the Post Registration Branch of this Office for entry of the amendment in accordance with Section 7(e) of the Trademark Act.³

The contingency in the stipulated withdrawal having now been met, the opposition and counterclaim to cancel are dismissed with prejudice.

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

³ A copy of the Board's order granting the amendment, and Opposer's declaration, will be forwarded electronically for uploading to the record of the registration.