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Filing date: **05/12/2020**

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

|                           |  |
|---------------------------|--|
| Proceeding                | 91251648   |
| Party                     | Defendant<br>Owen Mumford Limited  |
| Correspondence<br>Address | AMY C ZIEGLER<br>GREER BURNS & CRAIN LTD<br>300 SOUTH WACKER DR STE 2500<br>CHICAGO, IL 60606<br>UNITED STATES<br>tmdocket@gbc.law<br>312-360-0080 |
| Submission                | Motion to Amend Application  |
| Filer's Name              | Allyson Martin   |
| Filer's email             | amartin@gbc.law  |
| Signature                 | /Allyson Martin/   |
| Date                      | 05/12/2020   |
| Attachments               | First Amended Motion to Amend and Dismiss Opposition.pdf(114151 bytes )  |

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

|  |   |                 |
|--|---|-----------------|
| In the Matter of Application Serial No.: | ) |                 |
| 79/227,833                               | ) |                 |
|  | ) |                 |
| For the mark – ATERIA                    | ) |                 |
|  | ) |                 |
| ATERICA, INC.                            | ) | Opposition No.: |
|  | ) | <b>91251648</b> |
|  | ) |                 |
| Opposer,                                 | ) |                 |
|  | ) |                 |
| v.                                       | ) |                 |
|  | ) |                 |
| OWEN MUMFORD LIMITED                     | ) |                 |
|  | ) |                 |
| Applicant.                               | ) |                 |

**FIRST AMENDED MOTION TO AMEND APPLICATION AND  
DISMISS OPPOSITION WITH CONSENT**

Applicant, Owen Mumford Limited, with the consent of Aterica, Inc. (“Opposer”), hereby requests the following amendment to the identification of goods and services of Application Serial No. 79/227,833, that, as compared to the original motion, are in a format that shows added and deleted language for the proposed, amended identification of goods and services:

~~International Class 5: Pharmaceuticals and medical preparations for treatment of Parkinson's disease, cancers, allergic reactions, diabetes, rheumatoid arthritis, multiple sclerosis, migraine, human growth conditions and osteoporosis; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; Medical plasters and medical dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides; adhesive plasters for medical purposes;~~

~~adhesive tapes for medical purposes; anaesthetics; analgesics; antibiotics; antiseptics; bacterial preparations for medical and veterinary use; bandages for dressings; Mixed biological preparations for the prevention and treatment of Parkinson's disease, cancers, allergic reactions, diabetes, rheumatoid arthritis, multiple sclerosis, migraine, human growth conditions and osteoporosis; diagnostic preparations for medical purposes; Medical diagnostic reagents and assays for testing of body fluids; nutritional supplements; sterilising preparations; surgical dressings; Medicated wipes impregnated with pharmaceutical preparations; blood for medical purposes; chemical preparations for testing blood for medical purposes~~

International Class 10: ~~Surgical apparatus and instruments for medical, dental and veterinary use; artificial limbs, eyes and teeth; suture materials; unfilled safety medical syringes; lancets; lancing medical devices; single use lancing medical devices; blood lancets; disposable lancets for finger puncture; blood testing apparatus; unfilled needles for medical purposes; unfilled Medical pen needles; Medical safety pen needles; suture needles; hypodermic needles; and unfilled medical syringes; excluding: unfilled auto-injector medical syringes, smart devices, and devices that incorporate a sensor and/or instrumentation~~ injection syringes; auto-injector medical syringes; medical syringe needles; needles for injections; needles for surgical purposes; disposable needles for finger puncture; surgical cutlery; eye droppers; gynaecological vaginal dilators; medical devices for gynaecological treatment; medical devices for treating erectile dysfunction; parts and fittings for all the aforesaid goods

International Class 44: ~~Medical services; veterinary services; Medical, hygienic and beauty care for human beings or animals; alternative medicine services; medical~~

~~assistance; medical clinic services; medical diagnostic, testing, monitoring and reporting services; medical testing for diagnostic or treatment purposes; physical therapy; surgical diagnostic services; surgical treatment services; information, advisory and consultancy services relating to the aforesaid services~~

After amended as requested above, Applicant's identification of goods for Application Serial No. 79/227,833 will read as follows:

International Class 10: unfilled safety syringes; lancets; lancing medical devices; single use lancing medical devices; disposable lancets for finger puncture; unfilled needles for medical purposes; unfilled medical pen needles; and unfilled medical syringes, excluding: unfilled auto-injector medical syringes, smart devices, and devices that incorporate a sensor and/or instrumentation.

Applicant submits that the proposed amendment consists of narrowing of the identification of goods and services and is in accordance with 37 CFR § 2.133.

Upon approval of the proposed amendments to Application Serial No. 79/227,833, Opposer, with Applicant's consent, requests that the Opposition against Application Serial No. 79/227,833 be dismissed without prejudice. Dismissal of the Opposition is conditioned upon acceptance of Applicant's proposed amendment to Application Serial No. 79/227,833.

WHEREFORE, Applicant, with Opposer's consent, requests that the foregoing amendment to the identification of goods in Application Serial No. 79/227,833 be granted and ordered and Opposer, with Applicant's consent, requests that the Opposition against Application Serial No. 79/227,833 be dismissed without prejudice.

Respectfully submitted,

Owen Mumford Limited

Aterica, Inc.

By: /Allyson M. Martin/

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Dated: May 12, 2020

Dated: May 12, 2020

**CERTIFICATE OF SERVICE**

This hereby certifies that the foregoing **FIRST AMENDED MOTION TO AMEND APPLICATION AND DISMISS OPPOSITION WITH CONSENT** was served and addressed to counsel for Aterica, Inc. via email to the following email addresses of record:

Erik J. Osterrieder  
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on this May 12, 2020.

/Allyson M. Martin/