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

Proceeding	91251648
Party	Defendant Owen Mumford Limited
Correspondence Address	AMY C ZIEGLER GREER BURNS & CRAIN LTD 300 SOUTH WACKER DR STE 2500 CHICAGO, IL 60606 UNITED STATES tmdocket@gbc.law 312-360-0080
Submission	Motion to Amend Application
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Date	05/28/2020
Attachments	Second Amended Motion to Amend Application.pdf(114799 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.	)	

**SECOND 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. Further, per the Board’s May 18, 2020 order (16 TTABVUE), Applicant no longer seeks to delete the term “medical” from safety medical syringes.

~~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 medical 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.

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Dated: May 28, 2020

Dated: May 28, 2020

**CERTIFICATE OF SERVICE**

This hereby certifies that the foregoing **SECOND 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:

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on this May 28, 2020.

/Allyson M. Martin/