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

Proceeding	91263549
Party	Defendant PBI-Gordon Corporation
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Submission	Motion to Amend Application
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Date	03/19/2021
Attachments	Proposed Amendment to U.S. Application Serial No. 88791103.pdf(111473 bytes)

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

In re Application No. 88/791,103 for the mark NEIGHBORHOOD ESSENTIALS

GROWTH PRODUCTS LTD., PLANT HEALTH INTERMEDIATE INC.	:	
	:	
Opposer	:	
	:	Opp. No. 91263549
v.	:	
	:	
PBI-GORDON CORPORATION	:	
	:	
Applicant	:	

**PROPOSED AMENDMENT TO U.S. TRADEMARK APPLICATION
SERIAL NO. 88/791,103 WITH OPPOSER’S CONSENT**

PBI-Gordon Corporation (“Applicant”), together with Growth Products Ltd. and Plant Health Intermediate Inc. (collectively, “Opposer”), have reached a settlement, and, in accordance with their settlement, the parties hereby stipulate and agree to the following amendments to U.S. Trademark Application Serial No. 88/791,103.

WHEREFORE, Applicant and Opposer mutually request that the Trademark Trial and Appeal Board enter an order effecting the stipulation of the parties, as follows:

1. Applicant hereby amends the description of goods in U.S. Trademark Application Serial No. 88/791,103 as follows with Opposer’s consent:¹

Class 1: ~~Fertilizers for agricultural and domestic use~~; plant growth regulators; ~~liquid fertilizers~~; chemical agents for encapsulating and holding biocides on turf and plant foliage; ~~plant growth nutrients~~; ~~fertilizers~~; ~~pre-emergents mixed with fertilizers~~; horticultural chemicals, namely, stump removers; ~~micronutrients and fertilizers~~; adjuvants and surfactants for use with herbicides, insecticides, fungicides, ~~and pesticides and fertilizers~~; anti-transpirant for plants and turf; plant growth regulator, namely, a systemic

¹ For the Board’s convenience, Applicant has highlighted the proposed additions and deletions in Int’l Classes 1 and 5. Applicant is not requesting that any changes be made to Int’l Class 2..

chemical retardant for ornamental plants, hedges, shrubs, trees, and ground covers; chemical ingredients used in the manufacture of herbicides; all excluding plant growth nutrient and nutritive solutions with and without soil for use in the fields of horticulture, landscape nursery, hydroponics, turf care, tissue culture, and foliar applications; and excluding soil conditioners for agricultural horticultural and domestic use.

Class 5: Weed and brush herbicides; turf herbicides and lawn and garden herbicides; agricultural chemicals in the nature of insecticides, fungicides and herbicides; and household and industrial germicides and disinfectants; herbicides; insecticides; biocides; namely, herbicides, fungicides, insecticides, algaecides, insecticides and pesticides; fumigants; insecticides and fungicides, all excluding plant growth nutrient and nutritive solutions with and without soil for use in the fields of horticulture, landscape nursery, hydroponics, turf care, tissue culture, and foliar applications; and excluding soil conditioners for agricultural horticultural and domestic use.

Respectfully submitted,

PBI-GORDON CORPORATION

Dated: March 19, 2021

By: _____



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GROWTH PRODUCTS LTD., PLANT HEALTH INTERMEDIATE INC.

Dated: March 19, 2021

By: _____



Gene S. Winter
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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **PROPOSED AMENDMENT TO U.S. TRADEMARK APPLICATION SERIAL NO. 88/791,103 WITH OPPOSER'S CONSENT** upon Opposer's counsel of record:

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via email on March 19, 2021.

By: /Joshua W. Newman/
One of the Attorneys for Applicant,
PBI-Gordon Corporation