

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

CBG

Mailed: February 23, 2004

Cancellation No. 92032817

H-VIDOMIN LABORATORIES, INC.

v.

VITAQUEST INTERNATIONAL,

INC.

On August 26, 2003, the parties filed registrant's proposed amendment to its Registration No. 2498908, with petitioner's consent, petitioner's amendment to its application Serial No. 76136578,¹ and petitioner's withdrawal of the petition to cancel, contingent upon entry of the amendments.

By the proposed amendment, registrant seeks to change the identification of goods in Registration No. 2498908 **from** "dietary supplement" **to** "dietary supplements sold through retail stores."

Inasmuch as the amendment complies with all of the procedural requirements of Trademark Rule 2.173, it is clearly

¹ It appears that petitioner's application has already been amended to "dietary supplements excluding dietary supplements sold through retail stores," which language is identical to the proposed amendment set forth in the August 26, 2003 filing referenced above.

limiting in nature, and petitioner consents thereto, it is approved. See Trademark Rule 2.133(a).

The registration file will be forwarded to the Post Registration Branch of this Office for appropriate action in accordance with Section 7(e) of the Trademark Act.

The contingency in petitioner's withdrawal having now been met, the petition to cancel is dismissed in accordance with the agreement between the parties.

***By the Trademark Trial
and Appeal Board***