ESTTA Tracking number: **ESTTA403019**

Filing date: **04/11/2011**

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

Proceeding	92052498
Party	Defendant Elara Nutriceuticals, Inc.
Correspondence Address	JAMES DAVID JOHNSON 401 EAST LAS OLAS BLVD., SUITE 130-290 FORT LAUDERDALE, FL 33301 UNITED STATES trademarks@prestigeip.com
Submission	Motion to Amend Registration
Filer's Name	James David Johnson
Filer's e-mail	trademarks@prestigeip.com
Signature	/James David Johnson/
Date	04/11/2011
Attachments	Notice of Filing Supplemental Declaration (Signed).pdf (2 pages)(53311 bytes) Declaration in Support of Motion to Amend Registration and Suspend Cancellation Proceeding (Signed).pdf (2 pages)(32834 bytes)

Registration Subject to the filing

Registration No	3547375	Registration date	12/16/2008
Registrant	Elara Nutriceuticals, Inc. P.O. Box 335 Fate, TX 75132 UNITED STATES		

Goods/Services Subject to the filing

Class 005. First Use: 2007/07/01 First Use In Commerce: 2007/07/01
All goods and services in the class are requested, namely: Animal feed additive for use as a nutritional supplement for medical purposes; Animal feed supplements; Dietary and nutritional supplements; Dietary food supplements; Dietary supplements; Dietary supplements for animals; Food supplements; Herbal supplements; Nutraceuticals for use as a dietary supplement; Nutritional supplements

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

NYCOMED US INC. Petitioner, v. ELARA NUTRICEUTICALS, INC. Registrant.	Mark: PARANEX Registration No. 3,547,375 Cancellation No. 92052498

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

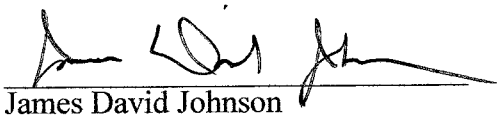
NOTICE OF FILING

Registrant, Elara Nutriceuticals, Inc., by and through the undersigned counsel, hereby gives notice of filing of its Supplemental Declaration in support of the previously filed Consented Motion to Amend Registration and Place Cancellation Proceeding in Suspension, along with the fee specified in 37 C.F.R. §§ 2.6 and 2.173.

Respectfully submitted,

ELARA NUTRICEUTICALS, INC.

By its attorneys,



James David Johnson
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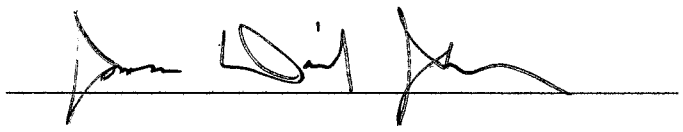
Mark: PARANEX
Registration No.: 3,547,375
Cancellation No.: 92052498

CERTIFICATE OF SERVICE

I hereby certify that this CONSENTED MOTION TO AMEND REGISTRATION AND PLACE CANCELLATION PROCEEDING IN SUSPENSION, which was electronically filed, is being deposited with the United States Postal Service, first class mail, in an envelope addressed to Petitioner's attorney, as follows:

Linda M. Byrne
Crawford Maunu PLLC
1150 Northland Drive, Suite 100
St. Paul, MN 55120

on this 11th day of April, 2011.



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

NYCOMED US INC. Petitioner, v. ELARA NUTRICEUTICALS, INC. Registrant.	Mark: PARANEX Registration No. 3,547,375 Cancellation No. 92052498

REGISTRANT'S SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 2.20 IN SUPPORT OF CONSENTED MOTION TO AMEND REGISTRATION AND PLACE CANCELLATION PROCEEDING IN SUSPENSION

As provided in TBMP Section 514.02, the Registrant requests that the description of goods for U.S. trademark Registration No. 3,547,375 ("the Registration") be amended to read as follows:

> Animal feed additives for use as a nutritional supplement for medical purposes; animal feed supplements; dietary and nutritional supplements for animals; dietary food supplements for animals; dietary supplements for animals; food supplements for animals; herbal supplements for animals; nutriceuticals for use as a dietary supplement for animals; nutritional supplements for animals;

and files this Supplemental Declaration in support of the previously filed Consented Motion to Amend Registration and Place Cancellation Proceeding in Suspension, along with the fee specified in 37 C.F.R. §§ 2.6 and 2.173.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting

Mark: PARANEX
Registration No.: 3,547,375
Cancellation No.: 92052498

therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

4/8/2010
Date

CEO
ELARA NUTRICEUTICALS, INC.
By: Brandon Hart
Its: