UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: July 22, 2011

Cancellation No. 92052498

Nycomed US Inc.

v.

Elara Nutriceuticals, Inc.

Cheryl S. Goodman, Interlocutory Attorney:

On March 11, 2011, the Board deferred consideration of respondent's motion to amend its registration, noting that it was not accompanied by a declaration or the required fee. The Board allowed respondent time to submit a declaration and fee.

On April 11, 2011, respondent submitted its declaration and a fee for the proposed amendment. However, the declaration is dated April 8, 2010, and is not sufficiently contemporaneous with the earlier filed motion to amend on March 2011.

Accordingly, respondent is allowed until THIRTY DAYS from the mailing date of this order to submit a declaration reflective of the 2011 filing of the motion to amend the registration.

Decision on the motion to amend is deferred. In the event that no new declaration is filed, the petition to cancel will go forward on the registration as issued.

Proceedings herein remain otherwise suspended.