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

Proceeding	92045172
Party	Plaintiff Herbaceuticals, Inc.
Correspondence Address	Karin Segall Darby & Darby P.C. 7 World Trade Center, 250 Greenwich Street New York, NY 10007 UNITED STATES arubinstein@darbylaw.com, tmdocket@darbylaw.com, ksegall@darbylaw.com
Submission	Opposition/Response to Motion
Filer's Name	Abigail Rubinstein
Filer's e-mail	tmdocket@darbylaw.com, arubinstein@darbylaw.com, aantoniou@darbylaw.com, amcguire@darbylaw.com
Signature	/Abigail Rubinstein/
Date	07/09/2009
Attachments	Opposition to motion for SJ as filed.PDF ( 18 pages )(67867 bytes ) Pldg- Murphy Decl Opp SJ Mot 08Jul09.PDF ( 3 pages )(251164 bytes ) Exhibit 1 to Murphy 09July09 Declaration.PDF ( 3 pages )(76502 bytes ) Exhibit 2 to Murphy 09July09 Declaration.PDF ( 5 pages )(126734 bytes ) Pldg- Grose Decl ISO Opp to SJ 09July09.PDF ( 4 pages )(168672 bytes ) Exhibit 3 to Grose 09July09 Declaration.PDF ( 3 pages )(58015 bytes ) Dec of Ar in Support of Opp. to SJ Motion.PDF ( 2 pages )(16269 bytes ) Exhibit 4 to Rubinstein 09July09 Declaration.PDF ( 7 pages )(35406 bytes ) Exhibit 5 to Rubinstein 09July09 Declaration.PDF ( 18 pages )(1565121 bytes ) Exhibit 6 to Rubinstein 09July09 Declaration -Dictionary.PDF ( 4 pages )(37391 bytes ) Exhibit 7 to Rubinstein 09July09 Declartion - Wikipedias pgs.PDF ( 2 pages )(26534 bytes )

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

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HERBACEUTICALS, INC.	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92045172
	:	
XEL HERBACEUTICALS, INC.,	:	
	:	
Registrant.	:	
-----	X	
XEL HERBACEUTICALS, INC.	:	
	:	
Counter-Petitioner,	:	
	:	
v.	:	
	:	
HERBACEUTICALS, INC.,	:	
	:	
Counter -Registrant.	:	
-----	X	

**PETITIONER/COUNTER-REGISTRANT’S MEMORANDUM OF LAW IN  
OPPOSITION TO XEL’S MOTION FOR SUMMARY JUDGMENT**

Herbaceuticals, Inc., Petitioner/Counter-Registrant (“Petitioner” or “Herbaceuticals”), by its undersigned attorneys, hereby opposes the Motion for Summary Judgment filed by Registrant. Counter-Petitioner, XEL Herbaceuticals, Inc. (“XEL” or “Registrant”).

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