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Filing date: **08/28/2008**

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

Proceeding	91175334
Party	Defendant AMCOAT INDUSTRIES, INC.
Correspondence Address	Robert J. Veal Smith, Gambrell & Russell, LLP 1230 Peachtree Street, N.E. Atlanta, GA 30309 UNITED STATES rjveal@sgrlaw.com, dgordon@sgrlaw.com, mbedsole@sgrlaw.com
Submission	Motion to Amend Application
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Signature	/Robert J. Veal/
Date	08/28/2008
Attachments	AmCoat Industries, Inc.'s Unopposed Mtn to Amended Description of Goods and Services.pdf (3 pages)(11360 bytes)

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

Rhino Linings USA, Inc.)	
Opposer,)	
)	
)	
v.)	Opposition No. 91175334
)	
)	
AmCoat Industries, Inc.)	
Applicant.)	

**AMCOAT INDUSTRIES, INC.'S UNOPPOSED MOTION TO AMEND THE
DESCRIPTION OF THE GOOD AND SERVICES**

Pursuant to an agreement between Rhino Linings USA, Inc. and AmCoat Industries, Inc., AmCoat Industries, Inc., by and through its attorneys, hereby moves pursuant to Trademark Rule 2.133(a) to amend Application No. 78/251735 by amending the goods listed in International Class 002 as follows:

Ceramic paint products, namely, breathable exterior wall paint in which ceramic micro-spheres are suspended, applied to exterior surfaces of buildings, namely, walls and corresponding eaves, railings, window frames, and trim, in a wide variety of colors that can be applied to all types of wood, masonry surfaces such as brick, block or cement, as well as metal surfaces such as aluminum or steel, and which are specifically not for use on vehicles, vehicle trailers, floors, furniture, commercial equipment, sidewalks, or any other residential, commercial, public or industrial use other than exterior walls.

The foregoing description has been reviewed by opposing counsel. The undersigned attorney has discussed this motion with opposing counsel and has been advised that the motion will not be opposed. Therefore, Applicant requests that the amendment be submitted to the examining attorney for approval.

Respectfully submitted this 28th day of August, 2008.

SMITH, GAMBRELL & RUSSELL, LLP

/s/ Robert J. Veal

Robert J. Veal

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Attorney for Applicant, AmCoat Industries, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing *AmCoat Industries, Inc.'s Unopposed Motion to Amend The Description of Goods And Services* upon counsel for Rhino Linings USA, Inc. by e-mail to mjd@riw.com and by mailing a copy of same via U.S. Mail, properly addressed and postage prepaid, as follows:

Michael J. Duffy, Esq.
Ruberto, Israel & Weiner, PC
100 No. Washington Street
Boston, MA 02114

This 28th day of August, 2008.

/s/ Robert J. Veal
Robert J. Veal
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Attorney for Applicant, AmCoat Industries, Inc.