

ESTTA Tracking number: **ESTTA138927**

Filing date: **05/04/2007**

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

Proceeding	91176754
Party	Defendant XiniX Holdings, Inc. XiniX Holdings, Inc. 875 Prospect Street #301 La Jolla, CA 92037
Correspondence Address	KRISTIN MANLEY DLA PIPER RUDNICK GRAY CARY US LLP 401 B ST STE 1700 SAN DIEGO, CA 92101-4297 sdtrademark@dlapiper.com
Submission	Motion to Amend Application
Filer's Name	K. Danica Ray
Filer's e-mail	sdtrademark@dlapiper.com
Signature	/kdray/
Date	05/04/2007
Attachments	Klear Water (stylized) Stip Motion to Amd App.pdf (2 pages)(41227 bytes)

Mark: **KLEAR WATER (Stylized)**

Class: 1

Docket: T05889US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

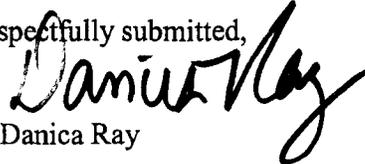
Mark: **KLEAR WATER (Stylized)**)
)
 Applicant: XiniX Holdings, Inc.)
)
 Serial No.: 78/822637)
)
 Class: 1)
)
 Opposition No.: 91176754)
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Attn: TRADEMARK TRIAL AND APPEAL BOARD
 Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451

STIPULATED MOTION TO AMEND APPLICATION

Dear Sir:

Applicant requests that the description of goods be amended to read: "*water purification chemicals excluding for use in connection with pools or spas.*"
 Opposer, Zodiac Pool Care, Inc., has agreed to the amendment and will withdraw its opposition with prejudice contingent upon entry of the amendment.

Respectfully submitted,

 K. Danica Ray

Date: May 4, 2007

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CONSENT OF OPPOSING PARTY

Zodiac Pool Care, Inc., the opposing party in Opposition No. 91176754, by and through its attorneys, hereby consents and confirms its prior consent to the foregoing amendment in the subject application.

Dated: May 4, 2007


Dean W. Russell
Christine P. James

Attorneys for Opposer
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