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Filing date: **07/14/2010**

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

Proceeding	91194768
Party	Defendant LITTLE JR., W. Frank
Correspondence Address	William B. Patterson PATTERSON & SHERIDAN, L.L.P. Suite 3400 3040 Post Oak Boulevard Houston, TX 77056-6582 kjaasma@pattersonsheridan.com, bpatterson@pattersonsheridan.com
Submission	Motion to Amend Application
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Date	07/14/2010
Attachments	TALT010_UnoppMtnAmend.pdf (2 pages)(23122 bytes)

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

In the matter of Application No. 77/671,256

Publication Date: January 5, 2010

_____)	
ZipWall, LLC,)	
)	
Opposer,)	UNOPPOSED MOTION TO
)	AMEND APPLICATION
v.)	
)	Opposition No. 91194768
W. Frank Little Jr.,)	
)	
Applicant.)	
_____)	

Trademark Trial and Appeal Board
Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

UNOPPOSED MOTION TO AMEND APPLICATION

Applicant/Defendant W. Frank Little Jr. files this unopposed motion to amend the description of the goods in Application No. 77/671,256 pursuant to 37 CFR §2.133(a) and TBMP §§ 514.01, 514.02 and §605.03(b).

The parties in the above-captioned case have reached an agreement regarding a modification to the description of goods in defendant's claims that the parties believe will eliminate any potential likelihood of confusion between the goods covered by Applicant's application and the goods covered by Opposer's registrations. Applicant seeks to amend the description of goods of application no. 77671256 as follows:

“Construction materials, namely, **drywall** for use in constructing interior walls in commercial or residential buildings”

The defendant respectfully requests that the Board grant this Unopposed Motion to Amend Application so that the parties may resolve this Opposition.

W. FRANK LITTLE, JR.

By Its Attorneys

By: /s/ Keith Jaasma
Keith Jaasma
PATTERSON & SHERIDAN, LLP
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Consent of Opposer

Opposer, ZipWall, LLC, through its undersigned counsel of record, consents to the foregoing amendment in settlement of this Opposition.

ZipWall, LLC.

Date: July 14, 2010

/s/ Ann Lamport Hammitte
Ann Lamport Hammitte
LANDO & ANASTASI, LLP

CERTIFICATE OF SERVICE

I hereby certify that the foregoing UNOPPOSED MOTION TO AMEND APPLICATION is being filed electronically with the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board on July 14, 2010, and that a true and correct copy was served by electronic mail and first-class mail, postage prepaid on Opposer, through its counsel, at the correspondence provided:

Ann Lamport Hammitte
LANDO & ANASTASI, LLP
One Main Street, Eleventh Floor
Cambridge, MA 02142

/s/ Keith Jaasma
Keith Jaasma