

TTAB

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

In the matter of Registration No. 2,302,961
Registration Date: December 21, 1999
Mark: SMART COW
Owner: GFA Brands, Inc.

I hereby certify that this paper is being deposited with the United States Postal Service, postage prepaid, as Express Mail in an envelope addressed to: Box TTAB, FEE (or NO FEE), Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on this date.

8/24/04 Shannon W. [Signature]
Date
Express Mail Label No. E133706310945

GFI America, Inc.,)

PETITIONER,)

v.)

GFA Brands, Inc.,)

REGISTRANT.)

Cancellation No. 92042915

CONSENTED MOTION TO AMEND THE REGISTRATION AND TO DISMISS THE CANCELLATION WITHOUT PREJUDICE

Pursuant to 37 C.F.R. § 2.133(a), Registrant hereby moves for amendment of the identification of its goods for U.S. Registration No. 2,302,961 to delete "shortening, lowfat and nonfat shortening, snack food dips and vegetable oils." If accepted by the Trademark Trial and Appeals Board (TTAB), the amended identification of Registrant's goods will read:

"Cheese, lowfat and nonfat cheese substitutes, butter substitutes, margarine, lowfat and nonfat margarine substitutes in class 29."

In accordance with TBMP § 514.01 (Motion to Amend Registration – In General) and TMEP § 1609.03 (Post Registration Amendment of Goods), the amendment is permissible because (1) Petitioner has consented to this motion and amendment; (2) it only deletes existing goods in class 29; and (3) it does not materially alter the character of the mark or require republication.



08-24-2004

Cancellation No. 92042915
Registration No. 2,302,961
Mark: SMART COW
Owner: GFA Brands, Inc.

In consideration of GFA Brands, Inc. (Registrant) omitting certain goods for U.S. Registration No. 2,302,961, GFI America Inc. (Petitioner) agrees to dismiss the cancellation proceeding for Cancellation No. 92042915 without prejudice. Accordingly, Registrant, with the consent of the Petitioner, moves the TTAB pursuant to TBMP §605.03(a) to dismiss this cancellation proceeding *without prejudice*.

Respectfully submitted,

Dated: August 17, 2004

By: 

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Dated: August 18, 2004

By: 

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Cancellation No. 92042915
Registration No. 2,302,961
Mark: SMART COW
Owner: GFA Brands, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I am a member of and/or employed by the law firm of WELSH & KATZ, LTD., 120 South Riverside Plaza, 22nd Floor, Chicago, Illinois 60606, and that in said capacity, a true copy of the attached documents:

Consented Motion to Amend the Registration and to Dismiss Without Prejudice

was caused to be served upon:

David D. Brush
Pete Ims
Westman, Champlin and Kelly, P.A.
Suite 1600 - International Circle
900 Second Avenue South
Minneapolis, Minnesota 55402

by first-class mail on this 24th day of August, 2004.


John L. Ambrogi
Brett M. Tolpin
Attorneys for Registrant GFA Brands, Inc.