

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

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In the matter of Trademark Reg. No, 2,595,712
Trademark: X TRAC
Issued: July 16, 2002

TTAB

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MICHELIN NORTH AMERICA, INC.	:	
	:	
Petitioner,	:	
	:	
v.	:	Canc. No. 92,042,951
	:	
CARLISLE INTANGIBLE COMPANY,	:	
	:	
Registrant.	:	
-----X	:	

Commissioner for Trademarks
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3514

**MOTION ON CONSENT TO FILE
FIRST AMENDED PETITION TO CANCEL**

Petitioner, Michelin North America, Inc., in the above-captioned cancellation proceeding respectfully moves the Trademark Trial and Appeal Board ("Board"), with Registrant, Carlisle Intangible Company's consent to file and serve a First Amended Petition to Cancel.

Pursuant to the Trademark Trial and Appeal Board Manual of Procedure (TBMP") § 507.02 after an answer has been filed, "a party may amend its pleading only by written consent of every adverse party or by leave of the Board; leave must be freely given when



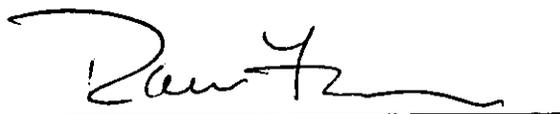
justice so requires." Here, Registrant consents to the filing and service of the First Amended Petition to Cancel.

In the present case, discovery is not yet complete and there would be no prejudice to Registrant by the filing and service of an amended Petition to Cancel. Accordingly, with Registrant's consent, Petitioner respectfully requests that the Board grant its motion to file and serve the First Amended Petition to Cancel attached hereto as Exhibit 1.

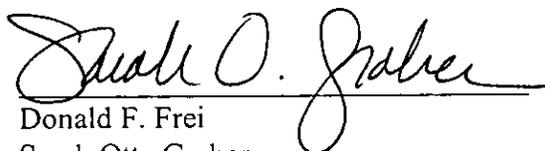
Dated: ~~June~~ ^{July 7}, 2004

BAKER BOTTS LLP

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