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

Proceeding	92050029
Party	Plaintiff David H.Schultz
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Date	02/25/2009
Attachments	Consent Motion.pdf ( 3 pages )(117464 bytes )

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

**In Re: U.S. Trademark Registration No. 2,772,622**  
International Class: 028  
for the mark **JUNGLE BALLS**

**David H. Schultz,**  
Petitioner,

vs.

**Petsport USA Inc.,**  
Registrant.

**Cancellation No. 92050029**

**CONSENT MOTION TO AMEND REGISTRATION UNDER 37 CFR § 2.133(a)  
WITH WRITTEN CONSENT OF ADVERSE PARTY and AGREED JOINT MOTION  
FOR DISMISSAL OF CANCELLATION PROCEEDING**

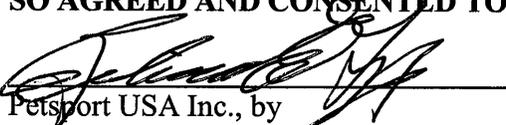
**Petsport USA Inc.**, the current owner of U.S. Trademark Registration No. 2,772,622 for the mark JUNGLE BALLS, through its undersigned counsel, with the written consent below of Petitioner **David H. Schultz**, and pursuant to the provisions of 37 CFR § 2.133(a) and Trademark Trial and Appeal Board Manual of Procedure § 514 hereby moves the Trademark Trial and Appeal Board (TTAB) to amend the identification of mark goods in U.S. Trademark Registration No. 2,772,622 for the mark JUNGLE BALLS such that the amended International Class 028 goods be narrowed with a more explicit recitation of channel of trade to reads as follows (wherein new language is underlined, stricken language in strikethrough):

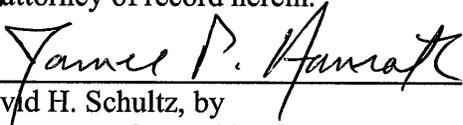
"small size play pet toys for domesticated pet cats and kittens".

**FURTHER, upon TTAB approval and entry of the foregoing amendment of the identification of the goods of the mark JUNGLE BALLS the parties herein hereby jointly move the TTAB to dismiss the above referenced cancellation proceeding with prejudice, the same having been fully resolved pursuant to an agreement of the parties herein.**

**WHEREFORE, Petsport USA Inc. with the written consent below of David H. Schultz respectfully moves the TTAB to approve and amend the identification of mark goods in U.S. Trademark Registration No. 2,772,622 for the mark JUNGLE BALLS as set forth above, and FURTHER, upon TTAB approval and entry of such amendment, the parties jointly move the TTAB to dismiss the above referenced cancellation proceeding with prejudice.**

**SO AGREED AND CONSENTED TO:**

  
\_\_\_\_\_  
Petsport USA Inc., by  
its attorney of record herein.

  
\_\_\_\_\_  
David H. Schultz, by  
its attorney of record herein.

Respectfully submitted,  
Petsport USA Inc.

By:   
\_\_\_\_\_  
Richard E. Lyon Jr.,  
Attorney for Applicant

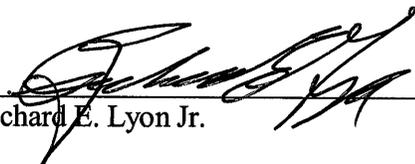
Richard E. Lyon Jr.  
HOLLAND & KNIGHT LLP  
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PTdocketing@hklaw.com

**CERTIFICATE OF SERVICE**

I, Richard E. Lyon Jr., an attorney, hereby certify that on this date I caused copies of the foregoing **CONSENTED MOTION TO AMEND APPLICATION UNDER 37 CFR § 2.133(a) WITH WRITTEN CONSENT OF ADVERSE PARTY and AGREED JOINT MOTION FOR DISMISSAL OF OPPOSITION** to be served by USPTO TTAB ESTTA e-filing and by PDF e-mail upon the following counsel of record at the below listed address:

James P. Hanrath  
MUCH SHELIST DENENBERG  
AMENT & RUBENSTEIN, P.C.  
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jhanrath@muchshelist.com

Dated: ~~January~~ <sup>February</sup> 25, 2009

  
Richard E. Lyon Jr.