

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Tdc/BUTLER

Mailed: March 18, 2009

Cancellation No. 92050029

David H.Schultz

v.

Petsport USA

On March 3, 2009, registrant was allowed time to submit the appropriate fee for the amendment to registration filed February 25, 2009. On March 12, 2009, registrant submitted the appropriate fee.

By the proposed amendment registrant seeks to change the identification of goods in International Class 28 **from**

"pet toys"

to

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

As stated previously, inasmuch as the amendment complies with all of the procedural requirements of Trademark Rule 2.173, it is clearly limiting in nature, and petitioner consents thereto, it is approved. See Trademark Rule 2.133(a).

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The amendment will be forwarded to the Post Registration Branch of this Office for appropriate action in accordance with Section 7(e) of the Trademark Act.

The contingency in petitioner's withdrawal having now been met, the petition to cancel is dismissed in accordance with the agreement between the parties.

*By the Trademark Trial
and Appeal Board*