

ESTTA Tracking number: **ESTTA427024**

Filing date: **08/25/2011**

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

Proceeding	92050093
Party	Plaintiff Whataburger Partnership LP
Correspondence Address	CHRISTOPHER KELLY WILEY REIN LLP 1776 K STREET NW WASHINGTON, DC 20006 UNITED STATES jelgin@wileyrein.com, ckelly@wileyrein.com, tmdocket@wileyrein.com
Submission	Withdrawal of Cancellation
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Signature	/Jennifer L. Elgin/
Date	08/25/2011
Attachments	WITHDRAWAL OF PETITION PICKLES.pdf ( 3 pages )(254581 bytes )

Exhibit "A"

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

WHATABURGER PARTNERSHIP	)	
	)	
Petitioner,	)	Registration No. 3,155,106
	)	
v.	)	Cancellation No. 92/050,093
	)	
GIELOW PICKLES, INC.	)	
	)	
Respondent.	)	
_____	)	

**Amendment to Registration No. 3,155,106 and  
Withdrawal of Petition for Cancellation**

Pursuant to 37 CFR 2.133(a) and TBMP 514, Respondent, Gielow Pickles, Inc., hereby moves to amend the recitation of goods in Trademark Registration No. 3,155,106 as follows:

**"Pickles sold only to wholesale buyers."**

Upon acceptance by the Board of the above amendment, Petitioner, Whataburger Partnership, moves to withdraw its Petition for Cancellation of the subject mark with prejudice pursuant to TBMP 605.03(b).

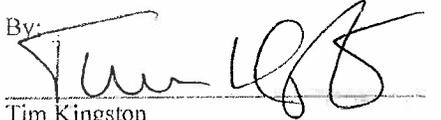
Each party consents to the other party's motion set forth herein.

Respectfully submitted,

GIELOW PICKLES, INC.

WHATABURGER PARTNERSHIP

By:



Tim Kingston  
LAW OFFICE OF TIM KINGSTON LLC  
408 W. 23rd Street  
Cheyenne, WY 82001  
(307) 638-8885

Attorney for Respondent

By:



Christopher Kelly  
Jennifer L. Elgin  
WILEY REIN LLP  
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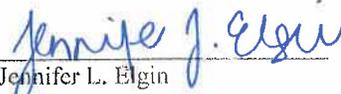
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing "Amendment to Registration No. 3,155,106 and Withdrawal of Petition for Cancellation" upon Respondent by causing a copy thereof to be sent via U.S. Mail, postage prepaid (courtesy copy by email) to the following address:

Tim Kingston  
Law Office of Tim Kingston LLC  
408 W. 23<sup>rd</sup> Street  
Cheyenne, WY 82001

This 25<sup>th</sup> day of August 2011.

  
Jennifer L. Elgin