

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

mc

Mailed: September 13, 2011

Cancellation No. 92050093

Whataburger Partnership LP

v.

Gielow Pickles, Inc.

**M. Catherine Faint,  
Interlocutory Attorney:**

On August 25, 2011, the parties filed registrant's proposed amendment to its Registration No. 3155106, with petitioner's consent, and petitioner's withdrawal with prejudice of the petition to cancel, contingent upon entry of the amendment.

By the proposed amendment registrant seeks to change the identification of goods **from** "Pickles" **to** "Pickles sold only to wholesale buyers."

While the amendment is clearly limiting in nature, and petitioner consents thereto, as required under Trademark Rules 2.133(a) and 2.173(b), the appropriate fee has not been paid. See Trademark Rules 2.6 and 2.173.

Accordingly, registrant is allowed thirty days from the mailing date of this order to submit the appropriate fee,

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failing which the proposed amendment will be given no further consideration. Proceedings are otherwise suspended.

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