

ESTTA Tracking number: **ESTTA314934**

Filing date: **11/03/2009**

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

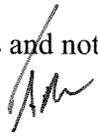
Proceeding	92050094
Party	Plaintiff Whataburger Partnership L.P.
Correspondence Address	Christopher Kelly WILEY REIN LLP 1776 K Street, N.W. Washington, DC 20006 UNITED STATES ckelly@wileyrein.com
Submission	Other Motions/Papers
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Signature	/ck/
Date	11/03/2009
Attachments	DOC110.PDF ( 2 pages )(75383 bytes )

**EXHIBIT B**

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

<b>WHATABURGER PARTNERSHIP</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>Cancellation No. 92/050,094</b>
<b>v.</b>	)	<b>Reg. No.: 3,389,431</b>
	)	<b>Mark: WATTA</b>
<b>AGROAMERICA CORPORATION</b>	)	
	)	
<b>Respondent.</b>	)	

**STIPULATED MOTION REQUESTING AMENDMENT WITH CONSENT AND  
CONTINGENT DISMISSAL OF CANCELLATION PROCEEDING**

Comes now Respondent, Agroamerica Corporation (“Respondent”), pursuant to 37 C.F.R. § 2.133, with the consent of Petitioner, Whataburger Partnership (“Petitioner”), and hereby requests amendment of the identification of goods in Reg. No. 3,389,431 – WATTA such that the identification is narrowed to read “fresh fruits and vegetables and not sold through restaurants, including quick and full-service restaurants.” 

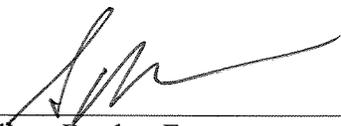
Contingent upon the Board’s acceptance of Respondent’s request for amendment set forth above, Petitioner requests that the Board dismiss Cancellation No. 92/050,094.

Respectfully submitted,

WHATABURGER PARTNERSHIP

AGROAMERICA CORPORATION

By:   
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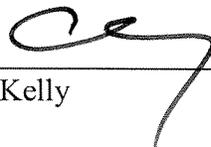
Dated: 11/13/09

Dated: Oct. 29, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of November 2009 I served the foregoing **STIPULATED MOTION REQUESTING AMENDMENT WITH CONSENT AND CONTINGENT DISMISSAL OF CANCELLATION PROCEEDING** by causing a copy thereof to be deposited in the United States mail, postage prepaid and addressed as follows:

Albert Bordas, Esq.  
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Christopher Kelly