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

Proceeding	92055966
Party	Defendant William C. Melzer
Correspondence Address	ALLAN H GRANT GRANT'S LAW FIRM 3638 UNIVERSITY AVENUE #203 RIVERSIDE, CA 92503 UNITED STATES allan@grants-law.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Allan Howard Grant
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Signature	/ Allan Howard Grant /
Date	04/11/2013
Attachments	Notice of Section 7 Request and Stipulated Motion to Dismiss.pdf (4 pages) (28408 bytes) Section 7 - Request for Amendment - Pony Pals.pdf (3 pages)(24294 bytes) Section 7 - Pony Pals (Exhibit A).pdf (2 pages)(32936 bytes)

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Attorneys for Defendant / Registrant, William C. Melzer,

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

In the matter of Trademark Application Serial No. 77191049
In the matter of Trademark Registration No.: 3375584
For the mark "PONY PALS"

Pony, Inc.,)	CANCELLATION NO.: 92055966
)	Assigned to: YONG OH (RICHARD) KIM
Plaintiff / Petitioner,)	
)	
vs.)	NOTICE OF SECTION 7 REQUEST TO
)	AMEND GOODS OF REGISTRANT'S
William C. Melzer,)	APPLICATION; AND
)	
Defendant / Registrant.)	STIPULATED CONTINGENT MOTION TO
)	DISMISS CANCELLATION PROCEEDING
)	UPON GRANTING OF SECTION 7 REQUEST
)	TO AMEND GOODS OF REGISTRANT
)	

Notice of Section 7 Request to Amend Goods of Registrant's Application

And

Stipulated Contingent Motion to Dismiss Cancellation Proceeding with Prejudice

Plaintiff, Pony, Inc., a Delaware Corporation, with the consent of Defendant, William C. Melzer, hereby moves, pursuant to 37 CFR 2.133(a), TBMP §§ 601 and 605.03(b), and in accordance with the terms of a settlement agreement between the Parties, wherein the Parties agree the agreement is contingent upon the attached Section 7 Request of Registrant/Defendant's goods for the subject registration being approved.

The Defendant / Registrant William C. Melzer respectfully asserts that the proposed amendment is only limiting the defendant's goods and it does not materially alters the character of the defendant's goods, as such it should be approved.

In accordance with the terms of a settlement agreement between the Parties, Defendant, William C. Melzer, with consent of Plaintiff, Pony, Inc., a Delaware Corporation, agrees to amend and limit the goods described in Registration No.: 3,375,584 for the Mark "PONY PALS" be amended from the following registered goods to the following amended goods:

Registered Goods

International Class 025: Jeans; A-shirts; Balloon pants; Belts; Bermuda shorts; Blouses; Board shorts; Boots; Boxer shorts; Breeches; Camp shirts; Capri pants; Cargo pants; Clothing, namely, hand-warmers; Denim jackets; Denims; Down jackets; Dress shirts; Fabric belts; Fleece pullovers; Fleece shorts; Fur coats and jackets; Fur jackets; Golf shirts; Horse-riding boots;

Infants' shoes and boots; Jackets; Jogging pants; Leather belts; Leather jackets; Leather pants; Leg warmers; Leg-warmers; Leggings; Light-reflecting jackets; Lounge pants; Night shirts; Open-necked shirts; Panties, shorts and briefs; Pants; Polo shirts; Ponchos; Pullovers; Rainproof jackets; Riding boots; Shirts; Short trousers; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Slacks; Sleep shirts; Sleeved or sleeveless jackets; Sport shirts; Sports jerseys and breeches for sports; Sports shirts; Sports shirts with short sleeves; Stuff jackets; Suede jackets; Sweat pants; Sweat shirts; Sweat shorts; Sweaters; T-shirts; Turtleneck sweaters; Underwear, namely, boy shorts; V-neck sweaters; Waist belts; Wind resistant jackets; Wind shirts; Wind-jackets.

Amended Goods

Horseback riding and equestrian related clothing, namely shirts, polo shirts, T-shirts, pants, and jodhpurs.

Plaintiff, with the consent of Defendant, hereby moves to dismiss the Notice of Cancellation, Cancellation No. 92055966 for the mark PONY PALS, contingent on the Attached Section 7 Request prior acceptance and entry of the foregoing Stipulated Motion to Amend Goods of Regsitant/Defendant's Application.

The parties also jointly move that this cancellation proceeding remain suspended until the ruling on this Section 7 request, and that, if this request is denied for any reason, the Board set new discovery and trial dates and allow the Defendant to submit an answer.

STIPULATED AND CONSENTED TO BY BOTH PARTIES:

Grant's Law Firm
Attorneys for Defendant / Registrant
William C. Melzer

By: / Allan H. Grant / Date: April 11, 2013
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Trademark Application of:)
PONY PALS)
)
Serial No.: 77/191049)
)
Registration No.: 3,375,584)
)
Registrant:)
William C. Melzer)
)
Cancellation No.: 92055966)
_____)

SECTION 7 REQUEST

Section 7 Request for Amendment or Correction of Registration Certificate

Dear Sir or Madam:

This Response is filed under Section 7 Request for Amendment or Correction of Registration Certificate under Section 7(e) which states: “Upon application of the registrant and payment of the prescribed fee, the Director for good cause may permit any registration to be amended or to be disclaimed in part: Provided, That the amendment or disclaimer does not alter materially the character of the mark. Appropriate entry shall be made in the records of the Patent and Trademark Office and upon the certificate of registration or, if said certificate is lost or destroyed, upon a certified copy thereof.”

Here, the Registrant William C. Melzer respectfully asserts that the proposed amendment is only limiting the registrant’s goods and it does not materially alter the character of the registrant's goods, as such upon payment of the prescribed fee it should be approved.

This Section 7 amendment is being filed in response to the Cancellation proceeding No.: 92055966, initiated by Plaintiff / Petitioner, Pony, Inc., a Delaware Corporation, with the consent of Defendant/Registrant, William C. Melzer, hereby moves, pursuant to 37 CFR 2.133(a), TBMP 601 and 605.03(b), and in accordance with the terms of a settlement agreement between the

Parties, wherein the Parties agree the agreement is contingent upon the below Section 7 amendment of Registrant's goods for the subject registration being approved.

The Registrant William C. Melzer respectfully asserts that the proposed amendment is only limiting the Registrant's goods and it does not materially alter the character of the Registrant's goods, as such it should be approved.

In accordance with the terms of a settlement agreement between the Parties, Defendant, William C. Melzer, with consent of Plaintiff, Pony, Inc., a Delaware Corporation, agrees to amend and limit the goods described in Registration No.: 3,375,584 for the Mark PONY PALS be amended from the following registered goods to the following amended goods:

Registered Goods

International Class 025: Jeans; A shirts; Balloon pants; Belts; Bermuda shorts; Blouses; Board shorts; Boots; Boxer shorts; Breeches; Camp shirts; Capri pants; Cargo pants; Clothing, namely, hand warmers; Denim jackets; Denims; Down jackets; Dress shirts; Fabric belts; Fleece pullovers; Fleece shorts; Fur coats and jackets; Fur jackets; Golf shirts; Horse riding boots; Infants' shoes and boots; Jackets; Jogging pants; Leather belts; Leather jackets; Leather pants; Leg warmers; Leg warmers; Leggings; Light reflecting jackets; Lounge pants; Night shirts; Open necked shirts; Panties, shorts and briefs; Pants; Polo shirts; Ponchos; Pullovers; Rainproof jackets; Riding boots; Shirts; Short trousers; Short sleeved or long sleeved t shirts; Short sleeved shirts; Shorts; Slacks; Sleep shirts; Sleeved or sleeveless jackets; Sport shirts; Sports jerseys and breeches for sports; Sports shirts; Sports shirts with short sleeves; Stuff jackets; Suede jackets; Sweat pants; Sweat shirts; Sweat shorts; Sweaters; T shirts; Turtleneck sweaters; Underwear, namely, boy shorts; V neck sweaters; Waist belts; Wind resistant jackets; Wind shirts; Wind jackets.

Amended Goods

Horseback riding and equestrian related clothing, namely shirts, polo shirts, T shirts, pants, and jodhpurs.

EXHIBIT A

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 3,375,584

United States Patent and Trademark Office

Registered Jan. 29, 2008

**TRADEMARK
PRINCIPAL REGISTER**

PONY PALS

MELZER, WILLIAM C. (UNITED STATES INDIVIDUAL)
210 DESERT HOLLY DRIVE
PALM DESERT, CA 92211

FOR: JEANS; A-SHIRTS; BALLOON PANTS; BELTS; BERMUDA SHORTS; BLOUSES; BOARD SHORTS; BOOTS; BOXER SHORTS; BREECHES; CAMP SHIRTS; CAPRI PANTS; CARGO PANTS; CLOTHING, NAMELY, HAND-WARMERS; DENIM JACKETS; DENIMS; DOWN JACKETS; DRESS SHIRTS; FABRIC BELTS; FLEECE PULLOVERS; FLEECE SHORTS; FUR COATS AND JACKETS; FUR JACKETS; GOLF SHIRTS; HORSE-RIDING BOOTS; INFANTS' SHOES AND BOOTS; JACKETS; JOGGING PANTS; LEATHER BELTS; LEATHER JACKETS; LEATHER PANTS; LEG WARMERS; LEG-WARMERS; LEGGINGS; LIGHT-REFLECTING JACKETS; LOUNGE PANTS; NIGHT SHIRTS; OPEN-NECKED SHIRTS; PANTIES, SHORTS AND BRIEFS; PANTS; POLO SHIRTS; PONCHOS; PULL-OVERS; RAINPROOF JACKETS; RIDING BOOTS; SHIRTS; SHORT TROUSERS; SHORT-SLEEVED OR

LONG-SLEEVED T-SHIRTS; SHORT-SLEEVED SHIRTS; SHORTS; SLACKS; SLEEP SHIRTS; SLEEVED OR SLEEVELESS JACKETS; SPORT SHIRTS; SPORTS JERSEYS AND BREECHES FOR SPORTS; SPORTS SHIRTS; SPORTS SHIRTS WITH SHORT SLEEVES; STUFF JACKETS; SUEDE JACKETS; SWEAT PANTS; SWEAT SHIRTS; SWEAT SHORTS; SWEATERS; T-SHIRTS; TURTLENECK SWEATERS; UNDERWEAR, NAMELY, BOY SHORTS; V-NECK SWEATERS; WAIST BELTS; WIND RESISTANT JACKETS; WIND SHIRTS; WIND-JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2006; IN COMMERCE 5-13-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-191,049, FILED 5-25-2007.

STEVEN PEREZ, EXAMINING ATTORNEY