

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

RK/mt

Mailed: April 25, 2013

Cancellation No. 92055966

Pony, Inc.

v.

William C. Melzer

On April 17, 2013, respondent filed a proposed amendment to its **Registration No. 3375584**, with petitioner's consent, and petitioner's withdrawal of the petition to cancel, contingent upon entry of the amendment.<sup>1</sup>

By the proposed amendment, respondent seeks to change the identification of goods in International Class 25 as follows:

**From:** 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;

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<sup>1</sup> The Board notes that respondent's latest filing seeks to supercede and correct deficiencies in respondent's previous filings of November 20, 2012, and April 11, 2013. As such, those prior filings will be given no further consideration.

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; in International Class 25.

**To:** Horseback riding and equestrian related clothing, namely shirts, polo shirts, T-shirts, pants and jodhpurs; in International Class 25.

Inasmuch as the amendment is clearly limiting in nature and petitioner consents thereto, see Trademark Rule 2.133(a), and the amendment complies with all of the procedural requirements of Trademark Rule 2.173, it is hereby **APPROVED**.

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*