

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

CLUETT PEABODY RESOURCES)
CORPORATION,)
Opposer,)
)
v.)
)
MICHAEL J. JOHNSON;)
DONALD E. IVIE)
Applicant.)

TTAB

Opposition No. 91162159
(Application Serial No. 78295387)

CONSENTED MOTION TO AMEND DRAWING
AND
CONDITIONAL AGREEMENT TO WITHDRAWAL OF OPPOSITION

Pursuant to 37 C.F.R. § 2.133 and TBMP § 514.02, Applicant, Michael J. Johnson; Donald E. Ivie, hereby moves to amend the subject application (Serial No. 78295387) by revising the design drawing and substituting the attached design drawing. As reflected by the signature of Opposer's counsel below, Opposer consents to this amendment.

Applicant submits that the foregoing amendment does not materially alter the character of the subject mark, nor does it add goods to or broaden the scope of the goods listed in International Class 25, but instead amends the design while leaving the original list of goods unchanged. As such, neither republication of the mark nor further examination of the mark is required as a result of this amendment. Accordingly, Applicant respectfully requests that the TTAB approve the amendment without republication of the mark.

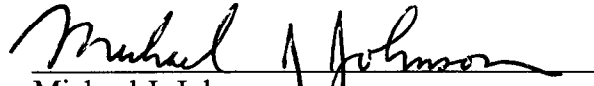


10-27-2004

As reflected by the signature of Opposer's counsel below, Opposer hereby withdraws its opposition to the subject application, conditioned, however, on the acceptance and entry of the foregoing amendment. As reflected by the signature of Applicant, this conditional withdrawal is submitted with the consent of Applicant pursuant to 37 C.F.R. § 2.106(c).



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Cluett Peabody Resources Corporation

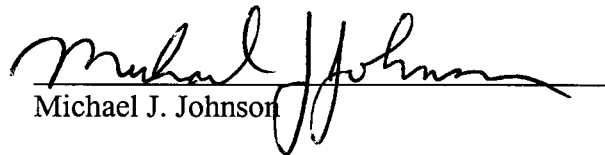


Michael J. Johnson
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Applicant,
Michael J. Johnson; Donald E. Ivie

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Consented Motion to Amend Drawing and Conditional Agreement to Withdrawal of Opposition* was served on Opposer by mailing a copy of same by U.S. first class mail, postage prepaid, on the 25 day of October, 2004, addressed as follows:

Mary M. Luria
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New York, New York 10019


Michael J. Johnson



NARROW
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