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

Proceeding	91167763
Party	Defendant Walton & Post, Inc.
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Submission	Motion to Amend Application
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Date	06/23/2008
Attachments	Motion to Amend Application.pdf (4 pages)(21980 bytes)

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

MARS, INCORPORATED,)	
)	
Opposer,)	
vs.)	Opposition No. 91167763
)	Serial No. 76572383
WALTON & POST, INC.)	
)	
Applicant.)	

AGREED MOTION TO AMEND APPLICATION

COMES NOW the Applicant, WALTON & POST, INC., with the consent of Opposer, pursuant to the parties' Settlement Agreement, and amends Application Serial No. 76,572,383 as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 029 for Maraschino cherries, canned fruits, canned vegetables, sausages, corn oil, instant mashed potatoes, and soups

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 029 for Maraschino cherries, canned fruits, canned vegetables, sausages, corn oil, and soups

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 030 for Pancake syrup, chocolate flavored syrup, strawberry topping syrup, mayonnaise, ketchup, mustard, popped popcorn, processed unpopped popcorn, macaroni and cheese, pancake mixes, cake mixes, cake frostings, white vinegar, cider vinegar, low calorie sugar substitute, and baking soda

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 030 for Pancake syrup, chocolate flavored syrup, strawberry topping syrup, mayonnaise, ketchup, mustard, popped popcorn, processed unpopped popcorn, pancake mixes, cake mixes, cake frostings, white vinegar, cider vinegar, low calorie sugar substitute, and baking soda

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with

the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Counsel for Opposer, Ross Panko, Esq., has consented to this motion.

Respectfully submitted,

Dated: June 23, 2008.

By: Meredith A. Frank/
John Cyril Malloy, III
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CERTIFICATE OF FILING

I HEREBY CERTIFY that the foregoing document was filed electronically via the ESTTA, at the United States Patent and Trademark Office, Trademark Trial and Appeal Board's ESTTA electronic filing system, this 23rd day of June, 2008.

Respectfully submitted,

By: Meredith A. Frank/
Meredith A. Frank
Florida Bar No. 502,235

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served on Arent Fox LLP, 1050 Connecticut Avenue, NW Washington, DC 20036-5339, by United States mail, postage pre-paid this 23rd day of June 2008.

Respectfully submitted,

By: Meredith A. Frank/
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