

ESTTA Tracking number: **ESTTA211228**

Filing date: **05/13/2008**

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

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|------------------------|---|
| Proceeding | 91172401 |
| Party | Defendant 99? Only Stores |
| Correspondence Address | Boris Zelkind Knobbe, Martens, Olson & Bear LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES boris.zelkind@kmob.com, brenda.heavill@kmob.com, efiling@kmob.com, caitlin.yaussi@kmob.com |
| Submission | Motion to Amend Application |
| Filer's Name | Boris Zelkind |
| Filer's e-mail | efiling@kmob.com, boris.zelkind@kmob.com, brenda.heavill@kmob.com |
| Signature | /Boris Zelkind/ |
| Date | 05/13/2008 |
| Attachments | 99CENT021M CONSENTED MOTION TO AMEND.pdf (3 pages)(101653 bytes) |

99CENT.021M

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

American Stores Company, LLC and
New Albertson's Inc. (*formerly Albertson's Inc.*),

Opposers,

v.

99¢ Only Stores,

Applicant.

Opposition No. 91,172,401

Serial No. 78/180,050

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://esta.uspto.gov> on

May 13, 2008

(Date)



Boris Zelkind

CONSENTED MOTION TO AMEND APPLICATION

PURSUANT TO T.B.M.P. § 514.04 AND 37 C.F.R. § 2.133(a)

Pursuant to T.B.M.P. §§ 514.02 and 605.03(b) and 37 C.F.R. § 2.133(a), 99¢ Only Stores ("Applicant") hereby requests that the identification of services in Application Serial No. 78/180,050, which is the subject of the above Opposition proceeding, be amended as set forth below. This request is made with the express consent of American Stores Company, LLC and New Albertson's, Inc. (*formerly Albertson's Inc.*) ("Opposers").

Amendment

Applicant hereby request that the identification of services in the subject application be amended as follows:

**Discount retail store services with respect to general
merchandise in International Class 35.**

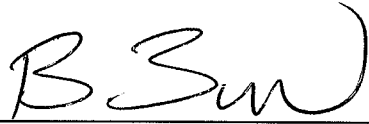
Remarks

As this amendment clearly limits the identification of services and is made with Opposers' consent, Applicant submits that the amendment is proper and should be accepted. Further, as indicated above, pursuant to 37 C.F.R. § 2.133(a), Opposers and Applicant have agreed to dismiss the opposition proceeding once the amendment is entered.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5-13-2008

By: 

Boris Zelkind
2040 Main Street, 14th Floor
Irvine, CA 92614
Telephone: 619.235.8550
Facsimile: 949.760.9502
Email: Boris.Zelkind@kmob.com and
efiling@kmob.com
Attorneys for Applicant,
99¢ ONLY STORES

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of this CONSENTED MOTION TO AMEND APPLICATION PURSUANT TO T.B.M.P. § 514.04 AND 37 C.F.R. § 2.133(a) on Opposers' counsel on May 13, 2008, via email addressed as follows:

Kevin M. Hayes, Esq.
Klarquist Sparkman, LLP
Kevin.hayes@klarquist.com; ptotmdocket@klarquist.com


Brenda R. Heavill

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