

PTO Form 1966 (Rev 5/2006)

OMB No. 0651-0050 (Exp. 04/2009)

## Preliminary Amendment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77079479      9182371
LAW OFFICE ASSIGNED	LAW OFFICE 117
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (025)(class deleted)</b>	
INTERNATIONAL CLASS	025
DESCRIPTION	Tops
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/01/2004
FIRST USE IN COMMERCE DATE	At least as early as 10/01/2004
<b>GOODS AND/OR SERVICES SECTION (041)(no change)</b>	
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/Carol A. Whitsett/
SIGNATORY'S NAME	Carol A. Whitsett
SIGNATORY'S POSITION	President
DATE SIGNED	03/18/2008
RESPONSE SIGNATURE	/Carol A. Whitsett/
SIGNATORY'S NAME	Carol A. Whitsett
SIGNATORY'S POSITION	President
DATE SIGNED	03/18/2008
AUTHORIZED SIGNATORY	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Tue Mar 18 12:41:22 EDT 2008
	USPTO/PRA-68.126.216.208-

TEAS STAMP	20080318124122444756-7707 9479-420cdfdb093c15f93a5b a29370881ffff1-N/A-N/A-20 080318123143480824
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OMB No. 0651-0050 (Exp. 04/2009)

### Preliminary Amendment

#### To the Commissioner for Trademarks:

Application serial no. 77079479 has been amended as follows:

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant hereby deletes the following class of goods/services from the application.**

Class 025 for Tops

#### SIGNATURE(S)

##### Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had 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. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Carol A. Whitsett/ Date: 03/18/2008

Signatory's Name: Carol A. Whitsett

Signatory's Position: President

##### Preliminary Amendment Signature

Signature: /Carol A. Whitsett/ Date: 03/18/2008

Signatory's Name: Carol A. Whitsett  
Signatory's Position: President

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 77079479  
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TEAS Stamp: USPTO/PRA-68.126.216.208-200803181241224  
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