

ESTTA Tracking number: **ESTTA299455**

Filing date: **08/06/2009**

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

Proceeding	91188573
Party	Defendant Downwind, Inc.
Correspondence Address	J.B. Frost Coleman Frost LLP 501 Colorado Ave., Suite 208 Santa Monica, CA 90401 UNITED STATES jb@colemanfrost.com
Submission	Motion to Amend Application
Filer's Name	J.B. Frost
Filer's e-mail	jb@colemanfrost.com
Signature	/J.B. Frost/
Date	08/06/2009
Attachments	Downwind Stipulated Amendment (BARK).pdf (2 pages)(46234 bytes)

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

Applicant's Mark: BARK
Serial No. 77/420437
Filed: March 12, 2008
Published: July 29, 2008

FITZ-WRIGHT COMPANY LTD.,

Opposer,

vs.

DOWNWIND, INC.,

Applicant.

**STIPULATED MOTION TO AMEND
APPLICATION**

Opposition No. 91188573

Pursuant to the terms of a Settlement Agreement between the parties, Applicant hereby requests, with the Opposer's consent, that the above-identified application be amended by deleting the following items from the current goods and services description for the mark: wetsuits, rashguard shirts and rashguard shorts.

Downwind, Inc.

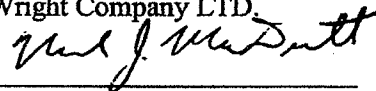
By


J.B. Frost
COLEMAN FROST LLP
Counsel for Applicant

Opposer consents to requested amendment of the above-identified application.

Fitz-Wright Company LTD.

By

 1/28/09

Michael J. MacDermott
CHRISTIE, PARKER & HALE, LLP
Counsel for Opposer

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served via first-class mail, postage prepaid, to Michael J. MacDermott, Esq., Christie, Parker & Hale, LLP, 350 W. Colorado Blvd., Suite 500, Pasadena, CA 91105, this 6th day of August, 2009.



J.B. Frost