

ESTTA Tracking number: **ESTTA343363**

Filing date: **04/21/2010**

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

Proceeding	91194535
Party	Defendant Dentsply International Inc.
Correspondence Address	JUSTIN H. MCCARTHY II DENTSPLY LEGAL DEPARTMENT 221 WEST PHILADELPHIA STREET YORK, PA 17405-0872 UNITED STATES
Submission	Motion to Amend Application
Filer's Name	Justin H. McCarthy II
Filer's e-mail	trademarks@dentsply.com
Signature	/justin h mccarthy/
Date	04/21/2010
Attachments	matrixblend.pdf (3 pages)(58408 bytes)

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

Unimin Corporation)	
)	
Opposer,)	
)	
v.)	Opposition No. 91194535
)	Serial No. 77530535
)	Trademark MATRIXBLEND
DENTSPLY International Inc.)	
)	
Applicant)	

MOTION TO AMEND APPLICATION

Commissioner for Trademarks
2900 Crystal Drive
Alexandria, VA 22202-3514
Attn: Trademark Trial and Appeal Board

Applicant, DENTSPLY International Inc., through its attorney, hereby amends the recitation of goods in Class 1 in U.S. Trademark Application Serial No. 77530535 as follows:

International Class 001:

Chemicals, namely, amorphous silica and cristobalite silica for use as a refractory binder material in the precision investment casting industry and not for use in the glass manufacturing industry.

This amendment is made with the consent of the Opposer, Unimin Corporation.

This amendment to the recitation of goods is permissible as the Applicant is limiting its goods rather than expanding them.

Additionally, Applicant respectfully requests that the Board suspend further action in this proceeding, pending the Board's decision on Applicant's Motion to Amend.

Respectfully submitted,

DENTSPLY International Inc.

Date: 4/21/2010

By:



Justin H. McCarthy II
Senior Counsel
DENTSPLY International Inc.
221 West Philadelphia Street
York, PA 17405-0872
Phone: (717) 849-4204
Fax: (717) 849-4360

Attorney for the Applicant

Opposition No. 91194535
In Re Serial No. 77530535

CERTIFICATE OF ELECTRONIC MAILING

Date of Electronic Filing: April 21, 2010

I hereby certify that this correspondence is being filed on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Alexandria, VA 22202-3514 at <http://www.uspto.gov/>.



Date: April 21, 2010

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION TO AMEND was served on the Opposer by First Class Mail on 4/21/2010, addressed to:

Gregory S. Vickers
Rankin, Hill & Clark LLP
23755 Lorain Road, Suite 200
North Olmsted, Ohio 44070-2224
Attorney for the Opposer

By: 