

ESTTA Tracking number: **ESTTA433169**

Filing date: **09/30/2011**

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

Proceeding	91197660
Party	Defendant The Vermont Teddy Bear Company, Inc.
Correspondence Address	H JAY SPIEGEL H JAY SPIEGEL & ASSOCIATES PO BOX 11 MOUNT VERNON, VA 22121-0011 UNITED STATES Jayspiegel@aol.com
Submission	Motion to Amend Application
Filer's Name	H. Jay Spiegel
Filer's e-mail	jayspiegel@aol.com
Signature	/H. Jay Spiegel/
Date	09/30/2011
Attachments	vtb.pajamajack.consented.motion.09.30.11.pdf (4 pages)(126774 bytes)

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

In the matter of Trademark Application Serial No. 77/959,640
for the mark PAJAMA JACK
Published in the Official Gazette on August 3, 2010

PANAMA JACK INTERNATIONAL, INC.,)	
)	
Opposer,)	
)	
v.)	
)	Opposition No. 91197660
THE VERMONT TEDDY BEAR COMPANY,)	
INC.,)	
)	
Applicant.)	
_____)	

CONSENTED MOTION TO AMEND APPLICATION UNDER 37 C.F.R. § 2.133(a)

Applicant, THE VERMONT TEDDY BEAR COMPANY, INC. (Applicant), by its undersigned Attorney, herewith moves to amend application Serial No. 77/959,640 (the application), by amending the identification of goods as set forth in the application at the time of publication for opposition. This Motion is consented to by Opposer PANAMA JACK INTERNATIONAL, INC. as evidenced by the signature of their Counsel Ava K. Doppelt on their behalf.

In the application as published, the identification of goods read as follows:

“caps; denim jackets; denims; footwear; hats; jackets; lounge pants; loungewear; pajama bottoms; pajamas; pants; shirts; sleep pants; sleep shirts; sleepwear; sport shirts; sports pants; t-shirts; visors; yoga pants.”

Pursuant to a settlement agreement executed by and between Opposer and Applicant, Applicant agreed to amend the identification of goods to read as follows:

“loungewear; pajama bottoms; pajamas; sleep pants; sleep shirts; sleepwear.”

Applicant submits that the amended identification of goods does not broaden the scope of the identification of goods in the application as published. As such, Applicant submits that the amended identification of goods does not materially change the description of the goods so as to require re-publication. To the contrary, the amended identification of goods narrows the scope of the published identification.

In accordance with the above-mentioned settlement agreement, in the event the TTAB grants this unopposed Motion, Opposer shall withdraw its opposition with prejudice, thereby terminating this proceeding.

Accordingly, it is urged that the TTAB grant this Motion.

Date: September 30, 2011

Respectfully submitted,

THE VERMONT TEDDY BEAR
COMPANY, INC.

H. Jay Spiegel

H. JAY SPIEGEL & ASSOCIATES
P.O. Box 11
Mount Vernon, VA 22121
(703) 619-0101 - Phone
(703) 619-0110 - Facsimile
jayspiegel@aol.com - e-mail

By H. Jay Spiegel
Attorney for Applicant
Registration No. 30,722

SEEN AND AGREED:

PANAMA JACK INTERNATIONAL, INC.



By Ava K. Doppelt, Esquire
Attorney for Opposer

ALLEN, DYER, DOPPELT, MILBRATH
& GILCHRIST, P.A.
255 S. Orange Avenue, Suite 1401
Orlando, FL 32801
407-841-2330 - Phone

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **CONSENTED MOTION TO AMEND APPLICATION UNDER 37 C.F.R. § 2.133(a)** was served electronically on Opposer's Counsel, with his consent, this 30th day of September, 2011 to the following e-mail address:

adoppelt@addmg.com

Date: September 30, 2011

By: H. Jay Spiegel

H. Jay Spiegel