

owner of the registration, New Balance Athletic Shoe, Inc., or the cancellation petitioner, Dunham's Athleisure Corporation. The application by The Source-i, Inc. was initially rejected in an Office Action dated November 22, 1999, on Section 2(d) grounds, because of registrations owned by New Balance, and on Section 2(e) grounds, that the mark was primarily merely a surname. Eventually, the application was assigned to New Balance in an assignment recorded December 19, 2000 at Reel/Frame 002201/0992.

In a paper filed with the Patent and Trademark Office on January 3, 2001, New Balance, the new owner of the application, requested amendment to the Supplemental Register and suspension of the application while the assignment was recorded. In an Office Action dated March 12, 2001, the Examining Attorney acknowledged that the application had been amended to the Supplemental Register, and that action was otherwise suspended pending recordal of the assignment to New Balance. On March 28, 2001, New Balance submitted a copy of the Notice of Recordation of the assignment to New Balance, to the Examining Attorney.

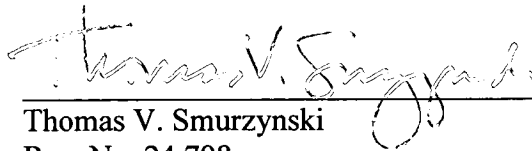
The Patent and Trademark Office, however, published the application as one for the Principal Register, in the Official Gazette of March 26, 2002. Dunham's Athleisure Corporation opposed the published application in Opposition No. 91/159972. New Balance moved for dismissal of the opposition because the application, having been amended to the Supplemental Register, should never have been published for opposition. By an order dated September 25, 2004, the Trademark Trial and Appeal Board dismissed the opposition proceeding as a nullity, and ordered that "Application Serial No. 75758998 will go forward for appropriate corrective action and registration on the Supplemental Register."

Unfortunately, that is not what happened. Instead, Application Serial No. 75758998 was erroneously registered on the Principal Register on November 22, 2005 as Registration No.

3,016,520. On September 7, 2006, Dunham's Athleisure Corporation filed a Petition for Cancellation against the registration, and this Cancellation No. 92/046,260 ensued.

Registrant requests that the registration certificate be corrected, and for this purpose submits the original Certificate of Registration No. 3,016,520. Registrant submits this request to the Trademark Trial and Appeal Board, which currently has jurisdiction over the registration. If some other procedure for correction of the Office mistake in this registration is more appropriate, Registrant will accept the instructions of the Trademark Trial and Appeal Board on how to correct the Office mistake.

Respectfully submitted,

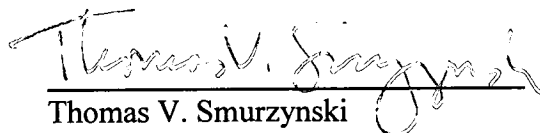


Thomas V. Smurzynski
Reg. No. 24,798
Attorney for Registrant
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, MA 02109
(617) 227-7400

Dated: February 28, 2007

CERTIFICATE OF SERVICE

I hereby certify that the foregoing REQUEST FOR CORRECTION OF OFFICE MISTAKE IN REGISTRATION UNDER 37 C.F.R. §2.174, was served by first-class mail, postage prepaid, on Petitioner's counsel, Ronald Nabozny, Esq., Brooks Kushman PC, 1000 Town Center, Southfield, MI 48075, on this 28th day of February, 2007.



Thomas V. Smurzynski

The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

To avoid CANCELLATION of the registration, the owner of the registration must submit a declaration of continued use or excusable non-use between the fifth and sixth years after the registration date. (See next page for more information.) Assuming such a declaration is properly filed, the registration will remain in force for ten (10) years, unless terminated by an order of the Commissioner for Trademarks or a federal court. (See next page for information on maintenance requirements for successive ten-year periods.)



Jon W. I. Dudas

Director of the United States Patent and Trademark Office

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,016,520

Registered Nov. 22, 2005

**TRADEMARK
PRINCIPAL REGISTER**

DUNHAM

NEW BALANCE ATHLETIC SHOE, INC. (MAS-
SACHUSETTS CORPORATION)
20 GUEST STREET
BOSTON, MA 02135

FOR: CLOTHING NAMELY, T-SHIRTS, GOLF
SHIRTS, DENIM SHIRTS, AND WIND RESISTANT
JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-1-1999; IN COMMERCE 5-1-1999.

OWNER OF U.S. REG. NO. 895,088.

SER. NO. 75-758,998, FILED 7-23-1999.

ANDREA SAUNDERS, EXAMINING ATTORNEY