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

Proceeding	92046260
Party	Plaintiff DUNHAM'S ATHLEISURE CORPORATION DUNHAM'S ATHLEISURE CORPORATION ,
Correspondence Address	ELIZABETH F. JANDA BROOKS KUSHMAN PC 1000 TOWN CENTER, 22ND FLOOR SOUTHFIELD, MI 48075 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Hope V. Shovein
Filer's e-mail	hshovein@brookskushman.com
Signature	/hope v. shovein/
Date	04/12/2007
Attachments	Response to Request for Correct.pdf (3 pages)(73429 bytes)

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 3,016,520

Dunham's Athleisure Corporation,)
)
 Petitioner,)
)
 -vs-)
)
 New Balance Athletic Shoe, Inc.,)
)
 Registrant.)

Cancellation No. 92046260

**PETITIONER'S REQUEST FOR CLARIFICATION AND
RESPONSE TO REQUEST FOR CORRECTION OF OFFICE MISTAKE**

Petitioner, Dunham's Athleisure Corporation, files this document in response to the Registrant's Request for Correction of Office Mistake. The Petitioner seeks to confirm that its Petition for Cancellation will continue against this Registration No.3,016,520, whether it remains on the Principal Register or is corrected to reflect registration on the Supplemental Register.

The Registrant filed a Request for Correction of Office Mistake in Registration under 37 CFR 2.174. The Registrant confirmed that the Trademark Office issued the registration incorrectly on the Principal Register, as the owner requested an amendment to the Supplemental Register. If this Request for Correction is granted, this does not resolve the damage to Petitioner alleged in the Petition for Cancellation.

In addition, pursuant to 37 CFR 2.133(a), a registration involved in a proceeding may not be amended, "except with the consent of the other party or parties and the approval of the Trademark Trial and Appeal Board, or except upon motion." Petitioner did not consent to this

request, though Petitioner is aware that the subject registration ought to have registered on the Supplemental Register. Please note, Petitioner filed a Notice of Opposition against the underlying application at the time of publication, but was informed by the Board that an Opposition proceeding was not possible against an application on the Supplemental Register. Therefore, Petitioner filed the subject Petition for Cancellation.

If the Board decides to grant Registrant's Request for Correction, Petitioner respectfully requests that the Board clearly indicate that such correction would not resolve the issues in this Cancellation, and that the Cancellation should proceed. Should the Board believe that it is necessary, Petitioner requests leave to amend its Petition for Cancellation to confirm that Petitioner seeks to Cancel Registration No. 3,016,520, whether it is registered on either the Principal or Supplemental Register.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By: Hope Shovein

Elizabeth F. Janda
Ronald M. Nabozny
Hope V. Shovein
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075
(248) 358-4400

Attorneys for Petitioner

Dated: 4/12/07

CERTIFICATE OF SERVICE

I certify that I served:

**PETITIONER'S REQUEST FOR CLARIFICATION AND
RESPONSE TO REQUEST FOR CORRECTION OF OFFICE MISTAKE**

on April 12, 2007 by:

 delivering

 X mailing (via First-Class mail)

a copy to:

Thomas V. Smurzynski
Lahive & Cockfield LLP
One Post Office Square
Boston, MA 02109
Attorneys for Registrant

Catherine Pihlstrom