

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

FLOWERS BAKERIES BRANDS, LLC,)

Petitioner,)

v.)

) Cancellation No. 92050949

76/637,539

) Registration No. 3084295

WHOLESOME CHOICE)

MARKET, INC.,)

Respondent.)

**MOTION ON CONSENT TO AMEND REGISTRATION
AND, IF ACCEPTED, TO WITHDRAW CANCELLATION**

Pursuant to Rule 2.173 of the Trademark Rules of Practice, Registrant, with
Petitioner's consent, respectfully requests that the above identified registration be amended
to delete the current identification of goods in International Class 30.

It is respectfully submitted that this amendment does not require republication
because the amendment to the description of goods narrows rather than broadens the scope of
the registration.

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If the amendment is approved by the Board, and subject to Registrant's compliance
with the parties' settlement agreement, Petitioner notices the dismissal with prejudice of
Cancellation No. 92050949.

DECLARATION

The undersigned being hereby warned that willful false statements and the like are
punishable by a fine, imprisonment, or both under U.S.C. § 1001, and that such willful false
statements and the like may jeopardize the validity of the registration, declares that all

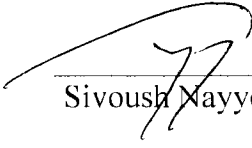


01-15-2010

statements made of his/her knowledge are true, and all statements made on information and belief are believed to be true.

Respectfully submitted,

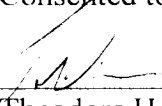
Dated: 1/5/10, 2010


Sivoush Nayyeri

Wholesome Choice Market, Inc.
2152 Alton Parkway, Suite #A
Irvine, California 92606
(949) 250-5911
(949) 250-1111

Corporate Officer for Wholesome Choice Market, Inc.

Consented to:


Theodore H. Davis Jr.
Nichole E. Davis

Dated: December 29, 2009

Kilpatrick Stockton LLP
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404-815-6500 (ph.)
404-815-6555 (fax)

Attorneys for Petitioner Flowers Bakeries Brands, LLC

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CERTIFICATE OF SERVICE

This is to certify that the attached Motion on Consent to Amend Registration and, if Accepted, to Withdraw the Cancellation has been served on counsel for Petitioner by email, as agreed by the parties, to the following email address:

tdavis@kilpatrickstockton.com


Sivoush Nayyeri

Date: 1-11-2010