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Filing date: **03/10/2011**

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

Proceeding	91193365
Party	Plaintiff Polaris Industries Inc.
Correspondence Address	Scott W. Johnston Merchant & Gould P.C. P.O. Box 2910 Minneapolis, MN 55402-0910 UNITED STATES sjohnston@merchantgould.com, slindemeier@merchantgould.com
Submission	Withdrawal of Opposition
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Signature	/SWJ/
Date	03/10/2011
Attachments	2011 03 10 Stip Amend Abandon and Withdrawal 91193365.PDF ( 3 pages ) (113158 bytes )

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

Polaris Industries Inc.,	)	Opposition No. 91193365
	)	
Opposer,	)	Marks:
	)	POLARIS LABORATORIES
v.	)	
	)	
Polaris Laboratories, LLC,	)	and
	)	
Applicant.	)	



Serial Nos.: 77/573,498  
77/573,619  
Filing Date: September 18, 2008  
Publication Date: August 4, 2009

**STIPULATED AMENDMENT, EXPRESS ABANDONMENT AND  
CONDITIONAL WITHDRAWAL OF OPPOSITION**

Applicant, with the consent of Opposer, hereby Expressly Abandons with prejudice U.S. Application Serial No. 77/573,619.

With respect to U.S. Service Mark Registration Application Serial No. 77/573,498, Applicant hereby seeks an amendment to the recited services therein to read as follows:

- Testing and analysis services for oils, fuels, coolants and water-based fluids used in the operation of motor vehicles and machinery not being recreational vehicles, namely, all-terrain vehicles, all-terrain utility vehicles, snowmobiles, motorcycles, quadricycles and low-speed electric vehicles in International Class 42.

As reflected by the signature of Opposer's counsel below, Opposer consents to the foregoing amendment of the services recited in U.S. Service Mark Registration Application Serial No. 77/573,498, and the Express Abandonment of U.S. Service Mark Registration Application Serial No. 77/573,619 with prejudice.

Applicant submits that the foregoing amendment of the services of U.S. Service Mark Registration Application Serial No. 77/573,498 does not expand or broaden the services but instead narrows the same. As such, neither republication of the Application nor further examination of the Application is required as a result of this amendment. Accordingly, Applicant respectfully requests that the TTAB approve the amendment without republication.

Opposer hereby withdraws with prejudice Opposition No. 91193365 pre-conditioned, however, on the acceptance and entry of the foregoing amendment to the services of U.S. Service Mark Registration Application Serial No. 77/573498 and the Express Abandonment of U.S. Service Mark Registration Application Serial No. 77/573619.

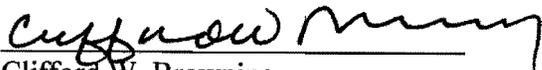
WHEREFORE, Applicant and Opposer move that the subject Registration Applications be amended and expressly abandoned as stated herein and that the Opposition be dismissed with prejudice. Each party will bear its own costs.



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**Attorneys for Opposer**  
**Polaris Industries Inc.**

Dated: 3-10-11



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Attorneys for Applicant  
Polaris Laboratories, LLC

Dated: February 23, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing STIPULATED AMENDMENT, EXPRESS ABANDONMENT AND CONDITIONAL WITHDRAWAL OF OPPOSITION was served upon the following attorney of record for Applicant by First Class Mail, postage prepaid, this 10th day of March, 2011:

Clifford W. Browning  
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Scott W. Johnston