

ESTTA Tracking number: **ESTTA479952**

Filing date: **06/25/2012**

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

Proceeding	91204445
Party	Defendant FUZION FOOD GROUP USA, INC.
Correspondence Address	TROY LEONARD WOODS, FULLER, SHULTZ & SMITH, PC 300 S PHILLIPS AVE STE 300 SIOUX FALLS, SD 57104-6322  Troy.Leonard@woodsfuller.com
Submission	Other Motions/Papers
Filer's Name	Troy Leonard
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Date	06/25/2012
Attachments	01194891.PDF ( 3 pages )(82805 bytes )

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

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Buffalo Wild Wings, Inc.	:	
	:	
Opposer,	:	Opposition No. 91204445
	:	
v.	:	Serial No.:85313027
	:	Mark: WILD WINDS
	:	Filed: May 5, 2011
Fuzion Food Group USA, Inc.	:	Published: September 27, 2011
	:	
Applicant.	:	

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**MOTION TO AMEND RECITATION OF SERVICES**

Applicant, through its undersigned counsel, hereby respectfully states, declares and moves as follows:

1. Applicant and Opposer have entered into a Co-existence Agreement ('Agreement') effective June 25, 2012.
2. The Agreement is potentially dispositive of the issues between the parties.
3. The parties have agreed Applicant shall amend the recitation of services in the subject application, such that it will now read: "restaurant and bar services, excluding sports bar services and restaurant or bars services offering chicken wings and legs in a variety of sauces."
4. Subject to the terms and conditions of the Agreement, Opposer consents to Applicant's use and registration the subject mark (WILD WINDS) and, once the

amendment to the recitation of services is approved by the USPTO, Opposer will voluntarily dismiss its Opposition against the pending application.

**WHEREFORE**, Applicant respectfully requests the Trademark Trial And Appeal Board approve the amendment of Applicant's recitation of services as provided herein

Respectfully submitted,  
Woods, Fuller, Shultz & Smith, PC



By Troy Leonard  
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**Certificate of Service**

Pursuant to 37 C.F.R. §2.119, the undersigned hereby certifies that he served a true and correct copy of the Motion To Amend Recitation of Services, on the date below shown, by depositing said copy in the United States Mail at Sioux Falls, South Dakota, first class postage prepaid thereon, in an envelope addressed to:

Ms. Ruth Rivard  
Leonard Street And Deinard  
150 South Fifth Street, Suite 2300  
Minneapolis, MN 55402

which is the last address of said addressee known to this subscriber.

Dated at Sioux Falls, South Dakota this <sup>th</sup>25 day of June, 2012.

Woods, Fuller, Shultz & Smith, PC



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