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Filing date: **11/28/2007**

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

Proceeding	91172176
Party	Defendant The Hess Collection Winery
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:)	
The Hess Collection Winery)	
Serial No. 78/522158)	Trademark Attorney: William Verhosek
Filed: November 23, 2004)	Law Office 114
Trademark: THE LION & Design)	
Published: April 4, 2006)	

AMENDMENT AFTER PUBLICATION

Please amend the Class 33 identification of goods in this application to read as follows:

“WINES, EXCLUDING WINES SOLD THROUGH RETAIL GROCERY STORES OR RETAIL SUPERMARKETS”

REMARKS

This application was published for opposition on April 4, 2006 and has been opposed by FL Food Lion, Inc. and Food Lion, LLC, in an Opposition assigned No. 91172176. Opposer is the owner of several U.S. registrations for FOOD LION and Lion Design marks for retail grocery store services and various private label foods. Opposer felt Applicant's unrestricted use of Applicant's mark used on wines could cause confusion. In order to avoid this conflict, the parties have worked out a settlement and Applicant has agreed, with the consent of Opposer, to amend its application to exclude from the channels of trade associated with the mark "retail grocery stores or retail supermarkets." Opposer will withdraw the opposition upon entry of the requested amendment.

The foregoing amendment proposes to restrict the goods recited in the application. This amendment does not affect the substance of Applicant's mark and therefore may be entered without republication.

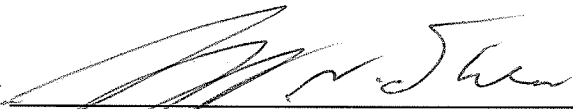
Applicant requests that the Board approve this amendment and remand the application to the examining attorney.

Respectfully submitted,

OWEN, WICKERSHAM & ERICKSON, P.C.

Date: November 28, 2007

By



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