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Filing date: **08/19/2009**

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

Proceeding	91177401
Party	Plaintiff Valrhona
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Submission	Withdrawal of Opposition
Filer's Name	Kristin H. Altoff
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Date	08/19/2009
Attachments	Fuze Stipulation.pdf (2 pages)(97840 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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VALRHONA,)	
)	
Opposer,)	OPPOSITION
)	
v.)	NO. 91177401
)	
FUZE BEVERAGE LLC,)	
)	
Applicant.)	

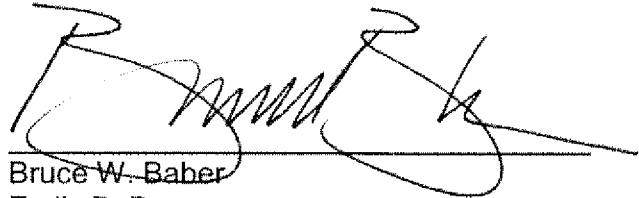
STIPULATION OF WITHDRAWAL OF APPLICATION
AND DISMISSAL OF OPPOSITION WITHOUT PREJUDICE

NOW COME VALRHONA ("Valrhona"), opposer in the above-captioned matter, and FUZE BEVERAGE LLC ("Fuze"), applicant in the above-captioned matter, and, by and through their undersigned counsel of record and in accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and Rules 2.68, 2.106(c) and 2.116 of the Trademark Rules of Practice, hereby STIPULATE and AGREE as follows:

1. Fuze expressly withdraws and abandons application Serial No. 78/768,875 without prejudice to the right to file an application to register the mark EQUINOX in the future.
2. Valrhona voluntarily dismisses without prejudice the Notice of Opposition filed herein on May 21, 2007, and each and every claim and count thereof.

Consented to and so stipulated and agreed, this 22nd day of July, 2009.

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