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

Proceeding	91179863
Party	Defendant Liquid America, LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/031,937

For the mark: FUEL YOUR JOURNEY

Published: June 5, 2007

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Getty Petroleum Marketing, Inc., :
Opposer, : Opposition No.: 91,179,863
v. :
Liquid America, LLC, :
Applicant. :
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**POST PUBLICATION AMENDMENT
OF APPLICATION AND CONDITIONAL
STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

Applicant, through its attorney of record, hereby submits the following post-publication amendment to the description of goods contained in Application Serial No. 77/031,937. In accordance with Rule 2.133 of the Trademark Rules of Practice, 37 C.F.R. § 2.133, applicant has obtained Opposer's consent to this amendment.

The original description of services in the application was for "retail convenience store services featuring snacks and beverages" in International Class 35. Applicant hereby requests that the original identification of goods and services be amended in its entirety to "drive-through retail kiosks and sandwich shops, with and without seating areas, selling food and beverages" in International Class 35.

Remarks


The amended identification of services is more restrictive and narrower than, and is clearly encompassed by, the original identification of services recited in the application. Any party who might be damaged by the registration of applicant's mark as applied to the amended, more restrictive and narrower identification of services, would have made that belief known as a result of the original publication of applicant's mark, which encompassed a broader identification of services. Pursuant to Section 1505.01(a) of the Trademark Manual of Examining Procedures, this amendment may be entered without requiring either an additional search or the republication of the mark.

Upon approval and entry of this amendment by the Board, the parties stipulate that the opposition and the claims and defenses asserted therein shall be dismissed without prejudice.

Dated: Greenville, South Carolina

May 11, 2010

LIQUID AMERICA, LLC

By: 

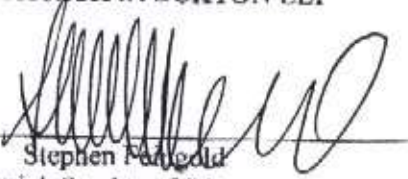
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