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

Proceeding	91186148
Party	Plaintiff Publix Asset Management Company
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Publix Asset Management Company,

Opposer,

v.

Opposition No. 91186148

Opposition No. 91186863

The Great Atlantic & Pacific Tea  
Company, Inc.,

Applicant.

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TRIAL STIPULATION

Opposer, Publix Asset Management Company ("Publix Asset"), and Applicant, The Great Atlantic & Pacific Tea Company, Inc. ("A&P"), stipulate as follows:

1. Publix Asset is not asserting a dilution claim in this proceeding.
2. Publix Super Markets, Inc., is not a party to this proceeding.
3. The GREENWISE mark is used through Publix Asset's related companies, which are Publix Super Markets, Inc., and its subsidiaries.
4. Publix Asset does not assert any use of or rights in the GREENWISE mark prior to the filing date of the earliest of its applications listed in its Amended Notice of Opposition.
5. Based on the foregoing paragraphs, A&P will not assert the defenses in its Answer served July 26, 2012, except its affirmative defense that GREENWISE and GREENWAY are not confusingly similar
6. Publix Asset will be permitted to call Paul Kalinowski and a representative of United as trial witnesses during the rebuttal period, but those witnesses (if called) will not be treated as rebuttal witnesses. So, for example, if and when a deposition of Paul Kalinowski or a United representative is taken, Publix Asset will be permitted to solicit testimony beyond the

scope of A&P's case.

7. The parties stipulate to the authenticity of their own business records that have been produced in discovery without the need for testimony of a records custodian.

8. To the extent that A&P is granted leave to lodge its proffered counterclaims, neither party would be required to use and no adverse inference shall arise from the lack of use of a separate testimony period to lodge testimony on the counterclaims.

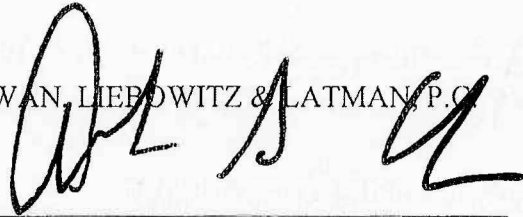
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