

ESTTA Tracking number: **ESTTA626497**

Filing date: **09/10/2014**

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

Proceeding	91217729
Party	Plaintiff AutoZone Parts, Inc.
Correspondence Address	Uly Gunn Alston & Bird, LLP 1201 West Peachtree Street Atlanta, GA 30309 UNITED STATES sam.gunn@alston.com
Submission	Withdrawal of Opposition
Filer's Name	Uly Gunn
Filer's e-mail	sam.gunn@alston.com
Signature	/Uly Gunn/
Date	09/10/2014
Attachments	Withdrawal of Opposition - PDF for filing.pdf(8846 bytes)

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

In the Matter of U.S. Application Serial No. 85/034,116
Mark: DURAMAX
Filed: May 10, 2010
Published: April 8, 2014

AUTOZONE PARTS, INC.)	
)	
Opposer,)	Opposition No. 91217729
)	
vs.)	
)	
TEST RITE PRODUCTS CORPORATION)	
)	
Applicant.)	
)	
_____)	

WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE

Pursuant to Rule 2.106(c), Opposer AutoZone Parts, Inc. (“Opposer”) hereby withdraws the opposition noted above without prejudice, as the Applicant has not yet filed an answer in this proceeding.

Accordingly, Opposer requests that the opposition be dismissed and no judgment be entered.

Respectfully submitted, this 10th day of September, 2014.

By: /Uly S. Gunn/
David J. Stewart, Esq.
Georgia Bar No. 681149
david.stewart@alston.com
Uly S. Gunn, Esq.
Georgia Bar No. 261871
sam.gunn@alston.com

ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309
Telephone: (404) 881-7000
Fax: (404) 881-7777

Attorneys for Opposer
AUTOZONE PARTS, INC.

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that this document is being deposited with the Trademark Trial and Appeal Board via electronic means by filing with the Electronic System for Trademark Trial and Appeals on September 10, 2014. A true and correct copy was also mailed to Applicant at the following address via U.S. Mail.

Victor T. Fu
LKP Global Law, LLP
1901 Avenue of the Stars
Suite 480
Los Angeles, CA 90067

/Uly S. Gunn/
Uly S. Gunn, Esq.