

ESTTA Tracking number: **ESTTA932627**

Filing date: **11/02/2018**

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

|                        |   |
|------------------------|---|
| Proceeding             | 91227246  |
| Party                  | Plaintiff<br>Fortunato o Frederico & Ca Lda.  |
| Correspondence Address | LAUREN C HOJNACKI<br>HODGSON RUSS LLP<br>605 3RD AVENUE SUITE 2300<br>NEW YORK, NY 10158<br>UNITED STATES<br>rmcgonig@hodgsonruss.com, ipdocketing@hodgsonruss.com, naquino@hodgsonruss.com, mmiller@hodgsonruss.com, lhojnacki@hodgsonruss.com<br>646-218-7644 |
| Submission             | Withdrawal of Opposition  |
| Filer's Name           | Lauren C. Hojnacki  |
| Filer's email          | rmcgonig@hodgsonruss.com, ipdocketing@hodgsonruss.com, lhojnacki@hodgsonruss.com, naquino@hodgsonruss.com   |
| Signature              | /Lauren C. Hojnacki/  |
| Date                   | 11/02/2018  |
| Attachments            | Withdrawal.pdf(745262 bytes )   |

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Exhibit "A"

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

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FORTUNATO O FREDERICO & CA., LDA.  
Opposition No. 91227246



Opposer,

Mark:

v.

Serial No.: 86655189

JOHN PHILLIPS and DUSTIN CRAWFORD

Filed: June 8, 2015

Opposition No.: 91227246

Applicants.

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**STIPULATED MOTION TO AMEND APPLICATION AND  
TO WITHDRAW OPPOSITION**

Please amend the instant application to revise the identification of goods to delete the following wording indicated below:

IC 025: Athletic apparel, namely, shirts, pants, jackets, ~~footwear~~, hats and caps, athletic uniforms; Baseball caps and hats; Collared shirts; Hooded sweatshirts; Sweatshirts; Tops.

The identification of goods in the instant application shall now read:

IC 025: Athletic apparel, namely, shirts, pants, jackets, hats and caps, athletic uniforms; Baseball caps and hats; Collared shirts; Hooded sweatshirts; Sweatshirts; Tops.

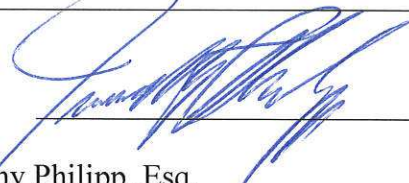

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Provided the Board approves the requested amendment, this resolves all outstanding issues between the parties. The parties respectfully submit that the proposed amendment limits and clarifies the goods. Once the amendment is approved and entered, the parties request that the opposition be withdrawn without prejudice.

Pursuant to 37 C.F.R. § 2.20, Applicants make the following declaration. Applicants, being warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the undersigned signatory for Applicants is properly authorized to execute this request on behalf of the Applicants; all statements made of the undersigned's own knowledge are true and all statements made on information and belief are believed true.

Respectfully submitted,

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| <p>By: </p> <p>Timothy Philipp, Esq.<br/> The Philipp Law Firm<br/> 12741 Saint Charles Rock Road<br/> Bridgeton, MO 63044-2415<br/> <a href="mailto:tpp@philipplaw.com">tpp@philipplaw.com</a><br/> Fax: (314) 209-8558</p> <p>Date: <u>10-18-18</u></p> | <p>By: </p> <p>Ryan A. McGonigle, Esq.<br/> Hodgson Russ LLP<br/> 605 Third Avenue, Suite 2300<br/> New York, NY 10158<br/> Email: <a href="mailto:RMcGonig@hodgsonruss.com">RMcGonig@hodgsonruss.com</a><br/> Fax: (646) 218-7663</p> <p>Date: <u>12 October 2018</u></p> |
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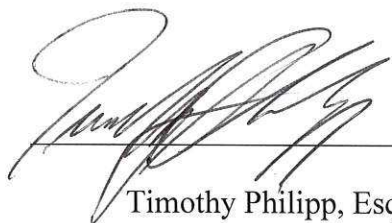
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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing upon Opposer by causing a true and correct copy thereof to be sent on by electronic mail on consent to:

Ryan A. McGonigle  
Hodgson Russ LLP  
605 Third Avenue, Suite 2300  
New York, NY 10158  
Email: [RMcGonig@hodgsonruss.com](mailto:RMcGonig@hodgsonruss.com)

Date: 11-3-18

  
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Timothy Philipp, Esq.

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