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

Proceeding	91236451
Party	Defendant Stony Creek Brewery, LLC
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Date	10/12/2018
Attachments	91236451.pdf(69311 bytes)

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

Cervecería Modelo de México, S. de R.L. de C.V., Opposer, v. Stony Creek Brewery, LLC, Applicant.	Opposition No. 91236451 Mark: LA GARZA MEXICALI LAGER Serial No.: 87/170,795
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**AMENDMENT OF APPLICATION WITH CONSENT AND
CONDITIONAL WITHDRAWAL OF OPPOSITION**

Pursuant to 37 C.F.R. § 2.133 and T.B.M.P. § 514.02, Applicant, Stony Creek Brewery, LLC (“Applicant”), hereby amends Application Serial No. 87/170,795 (“Application”) to delete the terms “MEXICALI LAGER” from the mark set forth in the Application. The new mark shall appear as follows:

LA GARZA

As reflected by the signature of Opposer’s counsel below, Opposer¹ consents to this amendment. Applicant submits that the above removal of “MEXICALI LAGER” does not constitute a material change to the mark, and as such, neither republication of the mark nor further examination of the mark is required as a result of this amendment. Accordingly, Applicant respectfully requests that the amendment be approved without republication of the mark.

¹ Opposer notes that on April 26, 2018, Modelo MKT de México, S. de R.L. de C.V. assigned all interest in U.S. Trademark Registration Nos. 2093334 and 2187900 for the MEXICALI mark to its affiliated company Cervecería Modelo de México, S. de R.L. de C.V.

Applicant respectfully requests that the amendment be approved without republication of the mark.

As reflected by the signature of Opposer's counsel below, Opposer hereby withdraws its opposition to the subject Application, conditioned, however, on the acceptance and entry of the foregoing amendment. As reflected by the signature of Applicant's counsel below, this conditional withdrawal is submitted with the consent of Applicant pursuant to 37 C.F.R. § 2.106(c).

Applicant and Opposer therefore request that the Application be amended as requested, without republication, and that the opposition be dismissed without prejudice.

Respectfully submitted,


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Date: 10/12/18


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Attorneys for Stony Creek Brewery, LLC

Date: 10/12/18

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Amendment of Application with Consent and Conditional Withdrawal of Opposition has been served on Kent Dallow, counsel of record for the Opposer, by e-mail and mailing said copy on October 12, 2018, via First Class mail, postage prepaid to:

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/Damian K. Gunningsmith/
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October 12, 2018