

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

E. & J. GALLO WINERY,

Opposer,

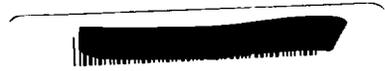
v.

DALMONT FOODS, L.L.C.,

Applicant.

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Opposition No. 91152288
Mark: JUANA GALLO



11-10-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

E. & J. GALLO WINERY,

Opposer,

v.

DALMONT FOODS, L.L.C.,

Applicant.

§
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§

Opposition No. 91153269
Mark: JUANA GALLO COCINA
MEXICANA

MOTION FOR JUDGMENT

TO THE TRADEMARK TRIAL AND APPEAL BOARD:

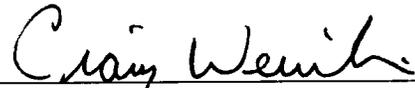
Opposer E. & J. Gallo Winery moves for judgment in these consolidated opposition proceedings, and shows as follows:

1. Applicant Dalmont Foods, L.L.C. has elected to expressly abandon its applications, Serial Nos. 76/313866 and 76/316680, which are the subjects of these consolidated opposition proceedings. Copies of the express written abandonments are enclosed.

2. Applicant's express written abandonments correctly recite that they are filed without the written consent of E. & J. Gallo Winery, the opposer. Accordingly, pursuant to 37 C.F.R. § 2.135, judgment should be entered against the applicant in these consolidated opposition proceedings.

WHEREFORE, opposer E. & J. Gallo Winery prays that these opposition proceedings be sustained and that judgment be entered against the applicant in these consolidated opposition proceedings ordering that the marks which are the subject of Serial Nos. 76/313866 and 76/316680 be denied registration.

Respectfully submitted,

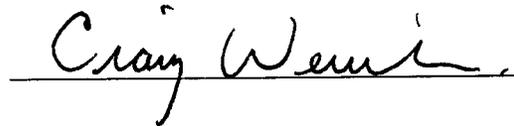


Craig W. Weinlein
Texas State Bar # 21095500
CARRINGTON, COLEMAN, SLOMAN
& BLUMENTHAL, L.L.P.
200 Crescent Court, Suite 1500
Dallas, Texas 75201
(214) 855-3000
FAX (214) 855-1333

Attorneys for Opposer
E. & J. Gallo Winery

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by first class mail in accordance with 37 C.F.R. § 2.119, on this 10th day of November, 2003.



CERTIFICATE OF MAILING BY EXPRESS MAIL

I, Paulette Burrow, do hereby certify that the foregoing document is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to Box TTAB - NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on this date of November 10, 2003.

Paulette Burrow
Signature

Paulette Burrow
Name

EU17937544705
Express Mail Label Number

November 10, 2003
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of Application
Serial No: 76313866
Mark: JUANA GALLO

EXPRESS ABANDONMENT OF APPLICATION

Pursuant To 37 C.F.R. 2.68, the undersigned applicant hereby expressly abandons and
withdraws its application Serial No. 76313866 for registration of the mark
JUANAGALLO for restaurant services.

This abandonment is filed with out the written consent of E.& J. Gallo Winery, the
opposer
in Oppositions No. 91153269.

DATED this 10-28, 2003.

Dalmont Foods, LLC

By:

Its:

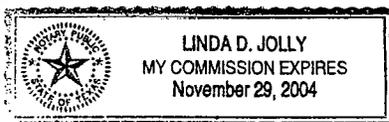
This instrument was acknowledged before me on this 28th day of
October, 2003, by Fausto Zepeda, the President of Dalmont
Foods, LLC, to certify which witness my hand and official seal.

Linda D. Jolly
Notary Public

My Commission Expires:

11-29-04

SEAL



CERTIFICATE OF SERVICE

I certify that on the 23rd day of October, 2003, a true and correct copy of this foregoing was served on the following:

Craig W. Weinlein
Texas State Bar # 21095500
CARRINGTON, COLEMAN, SLOMAN
& BLUMENTHAL, L.L.P.
200 Crescent Court, suite 1500
Dallas, Texas 75201
214- 855-3000
Fax 214- 855-1333

Attorneys for Opposer
W.&J. Gallo Winery

Via Certified mail, return receipt
requested. # 7002 2410000394272261


Fausto Zepeda

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of Application
Serial No: 76316680
Mark: JUANA GALLO COCINA
MEXICANA AND DESIGN

EXPRESS ABANDONMENT OF APPLICATION

Pursuant To 37 C.F.R. 2.68, the undersigned applicant hereby expressly abandons and withdraws its application Serial No. 76316680 for registration of the mark JUANA GALLO COCINA MEXICANA and Design for restaurant services.

This abandonment is filed with out the written consent of E. & J. Gallo Winery, the opposer

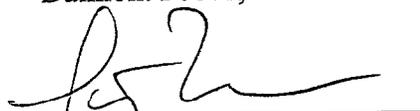
in Oppositions No. 91153269.

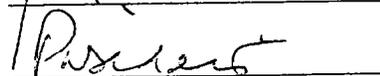
DATED this 10-28, 2003.

Dalmont Foods, LLC

By:

Its:





This instrument was acknowledged before me on this 28th day of OCTOBER, 2003, by FAUSTO ZEPEDA, the PRESIDENT of Dalmont Foods, LLC, to certify which witness my hand and official seal.

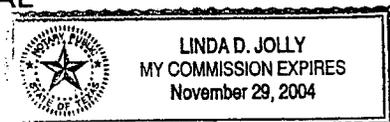


Notary Public

My Commission Expires:

11-29-04

SEAL



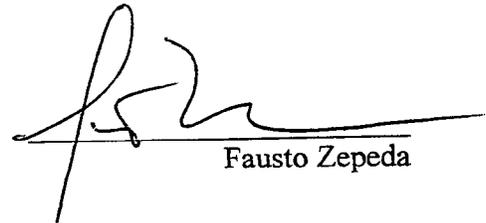
CERTIFICATE OF SERVICE

I certify that on the 23rd day of October ,2003, a true and correct copy of this foregoing was served on the following:

Craig W. Weinlein
Texas State Bar # 21095500
CARRINGTON,COLEMAN,SLOMAN
&BLUMENTHAL,L.L.P.
200 Crescent Court ,suite 1500
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214- 855-3000
Fax 214- 855-1333

Via Certified mail, return receipt
requested.# 70022410 000394272261

Attorneys for Opposer
W.&J.Gallo Winery



Fausto Zepeda

CARRINGTON
COLEMAN
SLOMAN &
BLUMENTHAL L.L.P.

200 CRESCENT COURT • SUITE 1500 • DALLAS, TEXAS 75201-1848 • TEL 214.855.3000 • FAX 214.855.1333

ATTORNEYS AT LAW

November 10, 2003

TTAB

CRAIG W. WEINLEIN
TEL: 214.855.3051
FAX: 214.758.3751
E-MAIL: CWEINLEIN@CCSB.COM

11-10-2003
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

VIA EXPRESS MAIL

Box TTAB - NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

RE: Opposition No. 91152288; E. & J. Gallo Winery v.
Dalmont Foods, L.L.C.
and
Opposition No. 91153269; E. & J. Gallo Winery v.
Dalmont Foods, L.L.C.
(Consolidated Under Opposition No. 91152288)

Dear Assistant Commissioner:

Enclosed are the original and three copies of a Motion for Judgment concerning the above-referenced opposition proceedings. Please return a file-stamped copy of the motion to me in the enclosed, self-addressed, postage-paid envelope.

Very truly yours,



Craig W. Weinlein

CWW:pb
Enclosures

cc: Mr. Fausto Zepeda

CERTIFICATE OF MAILING BY EXPRESS MAIL

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Paulette Burrow
Signature

Paulette Burrow
Name

EU179375447US
Express Mail Label Number

November 10, 2003
Date of Deposit