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

Proceeding	91169537
Party	Plaintiff House of Blues Brands Corp. House of Blues Brands Corp. ,
Correspondence Address	DAN MOFFETT AKIN GUMP STRAUSS HAUER & FELD LLP P.O. BOX 12870 SAN ANTONIO, TX 78212 UNITED STATES koneill@akingump.com,dmoffett@akingump.com
Submission	Other Motions/Papers
Filer's Name	Kirt S. O'Neill
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Date	02/20/2007
Attachments	MotiontoDismiss.pdf ( 5 pages )(92040 bytes )

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

<b>HOUSE OF BLUES BRANDS CORP.</b>	§	
	§	Application No.: 78/623,323
<b>Opposer,</b>	§	
	§	
v.	§	Mark: CHICA (AND DESIGN)
	§	
<b>CHICA, INC.</b>	§	
	§	Opposition No. 91169537
<b>Applicant.</b>	§	

**JOINT MOTION FOR DISMISSAL WITH  
PREJUDICE SUBJECT TO ENTRY OF AMENDMENT**

Opposer, House of Blues Brands Corp., and Applicant, Chica, Inc., hereby move for dismissal with prejudice of this opposition pursuant to Fed. R. Civ. P. 41(a)(2), subject only to the Board’s entry of the proposed Amendment with Opposer’s Consent filed contemporaneously herewith. For the convenience of the Board, a copy of that consented amendment is attached hereto as Exhibit A. This Stipulated Motion and the consented amendment are being filed as a result of a settlement of the parties of all disputes between them pertaining to the subject matter of this proceeding.

Wherefore, Opposer and Applicant respectfully request that this opposition be dismissed with prejudice immediately upon entry of the attached consented amendment.

[SIGNATURE PAGE FOLLOWS]

SUBMITTED BY:

By: Kirt S. O'Neill  
Kirt S. O'Neill  
Daniel Moffett  
Akin Gump Strauss Hauer & Feld, LLP  
P.O. Box 12870  
San Antonio, Texas 78212  
(210) 281-7106  
(210) 224-2035 (fax)

ATTORNEYS FOR OPPOSER

By: Anthony O. Cormier

Anthony O. Cormier  
Law Office of Anthony O. Cormier  
5850 Canoga Avenue, Suite 400  
Woodland Hills, CA 91367  
(818) 888-7818  
(818) 888-6166 (fax)

ATTORNEYS FOR APPLICANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Joint Motion for Dismissal with Prejudice was sent via regular mail to:

Anthony O. Cormier  
Law Office of Anthony O. Cormier  
5850 Canoga Avenue, Suite 400  
Woodland Hills, CA 91367

on this 20 day of February, 2007.

Kirt S. O'Neill  
Kirt S. O'Neill

# **EXHIBIT A**

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

**HOUSE OF BLUES BRANDS CORP.**

**Opposer,**

v.

**CHICA, INC.**

**Applicant.**

§  
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§  
§

Application No.: 78/623,323

Mark: CHICA (AND DESIGN)

Opposition No. 91169537

**AMENDMENT WITH OPPOSER'S CONSENT**

Applicant, Chica, Inc., hereby requests that the identification of goods in the above-referenced application be amended to read as follows:

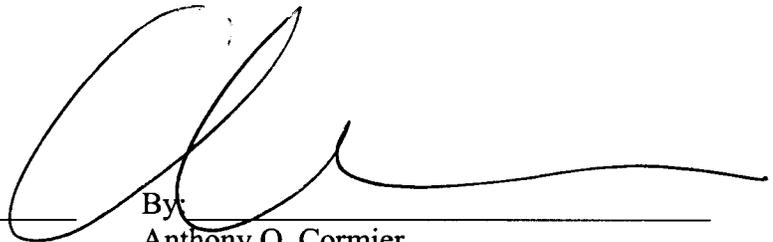
“Eyeglasses; protective glasses and eyewear; eyeglass frames; eyeglass lenses; eyeglass case and chains; sunglasses; sunglass lenses; electronic devices namely calculators, cell phones, cameras, and computers[; all of the foregoing sold only through Registrant’s own Internet website and through select luxury retail stores].”

Opposer, House of Blues Brands Corp., consents to this amendment, as evidenced by the signature of its counsel of record below.

SUBMITTED BY:

By: Kirt S. O'Neill  
Kirt S. O'Neill  
Daniel Moffett  
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ATTORNEYS FOR OPPOSER



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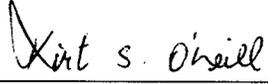
ATTORNEYS FOR APPLICANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Amendment with Opposer's Consent was sent via regular mail to:

Anthony O. Cormier  
Law Office of Anthony O. Cormier  
5850 Canoga Avenue, Suite 400  
Woodland Hills, CA 91367

on this 20 day of February, 2007.

  
\_\_\_\_\_  
Kirt S. O'Neill