

ESTTA Tracking number: **ESTTA637435**

Filing date: **11/06/2014**

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

Proceeding	91198614
Party	Plaintiff Traci Macaro
Correspondence Address	DAVID R BURKHOLDER BALCH & BINGHAM LLP 1901 SIXTH STREET AVENUE N, SUITE 1500 BIRMINGHAM, AL 35203 UNITED STATES ttabmail@whitelawfirm.com, dburkholder@balch.com
Submission	Other Motions/Papers
Filer's Name	David R. Burkholder
Filer's e-mail	dburkholder@balch.com
Signature	/davidburkholder/
Date	11/06/2014
Attachments	Ooh_La_La_Motion_to_Dismiss_(TTAB)_.pdf(23661 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial Nos. 77931467, 77931500, and 77931513
and Registration Nos. 3040209 and 3162391

Filed: February 9, 2010 (for Applications); March 26, 2004 and November 18, 2005
(for Registrations)

Marks: OOH LA LA! JEWELS DU JOUR (standard character); OOH LA LA! JEWELS DU
JOUR (+ design); OOH LA LA! JEWELS DU JOUR (+ design); OOH LA LA; OOH LA
LA

Applications Published in the *Official Gazette* dated October 19, 2010 for all

OOH LA LA! LADIES CONSIGNMENT)
BOUTIQUE, INC., a Florida corporation,)
and TRACI MACARO, an individual,)

Opposers/Respondents,)

v.)

OOH LA LA! JEWELRY AND)
ACCESSORIES, INC., a Florida)
corporation,)

Applicant/Petitioner.

Opposition No.: 91198614 (parent)
Opposition No.: 91198615
Opposition No.: 91198616
Cancellation No.: 92054821
Cancellation No.: 92054700

CERTIFICATE OF MAILING

I hereby certify that a copy of this joint motion to dismiss has been mailed by certified mail and e-mailed to Applicant's counsel on November 6, 2014

/davidburkholder/
David R. Burkholder

JOINT MOTION TO DISMISS WITH PREJUDICE

Opposers/Respondents Ooh La La! Ladies Consignment Boutique, Inc. and Traci Macaro and Applicant/Petitioner Ooh La La! Jewelry and Accessories, Inc. (the "Parties") hereby move jointly to dismiss with prejudice Opposition Proceeding Nos. 91198614, 91198615, and

91198616, and Cancellation Proceeding Nos. 92054821 and 92054700. All of these Proceedings have been consolidated by the Trademark Trial and Appeal Board into Proceeding No. 91198614 as the parent proceeding. In support of this Motion, the Parties state as follows:

1) The Parties have come to a mutual agreement and compromise with regard to their current disputes, including all Opposition and Cancellation Proceedings between the Parties.

WHEREFORE, the Parties jointly request the Trademark Trial and Appeal Board dismiss with prejudice Opposition Proceeding No. 91198614 (parent), Opposition Proceeding No. 91198615, Opposition Proceeding No. 91198616, Cancellation Proceeding No. 92054821, and Cancellation Proceeding No. 92054700.

REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK

Dated: November 6, 2014

Respectfully submitted,

/davidburkholder/

David R. Burkholder
BALCH & BINGHAM LLP
Post Office Box 306
Birmingham, AL 35201-0306
Telephone: (205) 226-3403
Facsimile: (205) 488-5719
E-mail: dburkholder@balch.com
Attorney for Opposers/Respondents

/dalefriedman/ (w/permission)

Dale L. Friedman
CONROY SIMBERG
3440 Hollywood Blvd 2nd Floor
Hollywood, FL 33021
Telephone: (954) 518-1252
Facsimile: (954) 518-8652
E-mail: dfriedman@conroysimberg.com
Attorney for Applicant/Petitioner (91198614,
92054821, 92054700)

/jenniferwhitelaw/ (w/permission)

Jennifer L. Whitelaw
WHITELAW LEGAL GROUP
3838 Tamiami Trail North, Third Floor
Naples, Florida 34103
Telephone: (239) 262-1001
Facsimile: (239) 261-0057
E-mail: j@whitelawfirm.com
Attorney for Applicant/Petitioner (91198615,
91198616)