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Filing date: **11/23/2011**

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

Proceeding	91199231
Party	Defendant Sho Tay
Correspondence Address	SANDY T. WU CHIAO & WU, LLP 600 S LAKE AVE , STE 303 PASADENA, CA 91106-3955 UNITED STATES swu@chiaowu.com
Submission	Withdrawal Of Application
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Date	11/23/2011
Attachments	Stipulation to Dismiss and Withdraw.pdf ( 3 pages )(54561 bytes )

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**

CHINESE DAILY NEWS, INC.,

Opposer,

v.

SHO TAY,

Applicant

Opposition No. 91199231  
Serial No. 85116513

**STIPULATION TO DISMISS AND  
WITHDRAW**

STIPULATION TO DISMISS AND WITHDRAW

Chinese Daily News, Inc. (“Chinese Daily News”) and Sho Tay (“Tay”) (collectively the “Parties”) hereby by and through their respective counsel stipulate and agree as follows:

WHEREAS, Tay filed trademark application bearing Serial No. 85116513 pending before the U.S. Patent and Trademark Office

WHEREAS, Chinese Daily News filed an opposition to the trademark application bearing Opposing No. 91199231

WHEREAS, Chinese Daily News and Tay are Parties to the civil action *Chinese Daily News, Inc. v. Sholin Tay, et al.* pending in the United States District Court, Central District of California, Western Division, Case No. CV 10-10079 JAK (JEMx) (the “Civil Action”);

WHEREAS, the instant trademark application and opposition proceeding and the Civil Action involve common questions of law and fact. By the Parties’ stipulation and request, the opposition proceeding was suspended pending the outcome of the Civil Action.

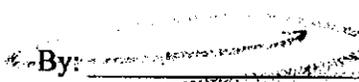
WHEREAS, on or about September 28, 2011, the Parties executed a settlement agreement in which among other things, Tay agreed to withdraw the trademark application Serial No. 85116513 and Chinese Daily News agreed to dismiss the Civil Action.

ACCORDINGLY, it is hereby stipulated that the notice of opposition for Opposition No. 91199231 be dismissed and that the trademark application, Serial No. 85116513 be withdrawn forthwith.

This stipulation is being filed electronically pursuant to the ESTTA system.

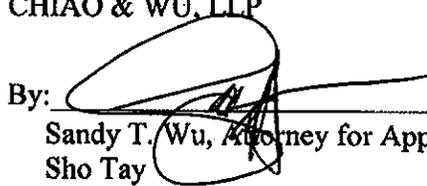
Dated: November 22, 2011

LAW OFFICES OF MAXWELL E. LIN

By:   
Maxwell E. Lin, Attorney for Opposer  
Chinese Daily News, Inc.

Dated: November 23, 2011

CHIAO & WU, LLP

By:   
Sandy T. Wu, Attorney for Applicant  
Sho Tay

### ORDER

Pursuant to the Parties' stipulation, good cause appearing, the Trademark Trial and Appeal Board hereby orders that the Notice of Opposition for Opposition No. 91199231 be dismissed and further orders that the pending trademark application Serial No. 85116513 be withdrawn forthwith.

Dated: \_\_\_\_\_, 2011

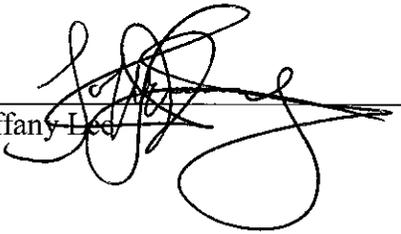
TRADEMARK TRIAL AND APPEAL  
BOARD

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **STIPULATION TO DISMISS AND WITHDRAW** was served on Petitioner's counsel this 23 day of November, 2011, by depositing the same with the U.S. Postal Service, first-class postage prepaid, addressed as follows:

Maxwell E. Lin  
Law Offices of Maxwell E. Lin & Associates  
2707 East Valley Blvd., Suite 308  
West Covina, CA 91792-3198

Tiffany Lee

A handwritten signature in black ink, appearing to be 'Tiffany Lee', written over a horizontal line. The signature is highly stylized and cursive.