

ESTTA Tracking number: **ESTTA638249**

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

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

Proceeding	91206116
Party	Defendant Amy's Ice Creams, Inc.
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Submission	Other Motions/Papers
Filer's Name	Wendy C. Larson
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Signature	/WCL/
Date	11/11/2014
Attachments	2014-11-11 Correspondence from Wendy Larson to Lalita Greer (TTAB) re dis- missal of civil action proceeding.pdf(436202 bytes )



Wendy Larson, Member  
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November 11, 2014

Lalita Greer, Paralegal Specialist  
United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: *Amy's Kitchen, Inc. v. Amy's Ice Creams, Inc.*  
U.S. Trademark Trial and Appeal Board Opposition No. 91206116

Dear Ms. Greer:

Pursuant to the Board's September 23, 2014 order, we report that the lawsuit between the parties pending in U.S. District Court for the Western District of Texas, Austin Division, Civil Action No. 1:13-cv-00449, has been dismissed as a result of a settlement. A copy of the dismissal order is attached. The parties are in the process of gathering signatures for the formal settlement agreement, and expect to file a motion to amend the subject applications and withdraw the opposition within the next week or two with the purpose of resolving this proceeding.

Please feel free to contact the undersigned if you need additional information. The undersigned certifies that a copy of this letter has been served upon counsel of record for Amy's Kitchen, Inc. by first class mail on November 11, 2014.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wendy C. Larson', with a long horizontal flourish extending to the right.

Wendy C. Larson  
Attorneys for Applicant, Amy's Ice Creams, Inc.

WCL/eaw

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY AD  
DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

AMY'S ICE CREAMS, INC.,

Plaintiff,

v.

AMY'S KITCHEN, INC.,

Defendant.

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CIVIL ACTION NO. 1:13-cv-00449-SS

**JURY DEMANDED**

**ORDER OF DISMISSAL WITH PREJUDICE OF CLAIMS  
AND COUNTERCLAIMS BETWEEN PLAINTIFF AND DEFENDANT**

This cause coming before the Court on Plaintiff and Defendant's Agreed Motion to Dismiss with Prejudice. IT IS HEREBY ORDERED:

1. This Court has jurisdiction over the parties and the subject matter pursuant to 28 U.S.C. §§ 1331, 1338, and 1367;
2. All pending claims and counterclaims asserted in this action by Amy's Ice Creams, Inc. and Amy's Kitchen, Inc. are dismissed with prejudice;
3. The parties shall bear their own attorneys' fees and costs of this action, and all rights of appeal are waived; and
4. All relief not expressly granted herein is denied.
5. This Order CONCLUDES the litigation in this case. The Clerk SHALL CLOSE the file.

Dated: October 22, 2014

Barnes  
U.S. DISTRICT JUDGE

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