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Filing date: **03/29/2016**

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

Proceeding	91221349
Party	Plaintiff Turn Key Wine Brands LLC
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Submission	Other Motions/Papers
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Date	03/29/2016
Attachments	16-03-29 Request for Dismissal Without Prejudice.pdf(39733 bytes )

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

In the Matters of :

<b>Trademark Application Ser. No.</b>	:	<b>86,391,825</b>
Filed	:	September 11, 2014
<b>For the Mark</b>	:	<b>WAYSIDE</b>
Published in the Official Gazette on	:	February 3, 2015;
and		
<b>Trademark Application Ser. No.</b>	:	<b>86,400,459</b>
Filed	:	September 19, 2014
<b>For the Mark</b>	:	<b>WAYSIDE</b>
Published in the Official Gazette on	:	February 3, 2015

**Opposition Proceeding No.** : **91221349**

Turn Key Wine Brands LLC	)	<b>REQUEST FOR DISMISSAL WITHOUT PREJUDICE / UPON CONSENT OF APPLICANT</b>
	)	
Opposer,	)	
	)	
vs.	)	
	)	
Fireside Cider Co. LLC	)	
	)	
Applicant,	)	

**REQUEST FOR DISMISSAL WITHOUT PREJUDICE**

1. Opposer Turn Key Wine Brands LLC (“Opposer”) and Fireside Cider Co. LLC (“Applicant”) mutually have consented to the parties’ respective uses and registrations of the marks that are the subject of this Proceeding.

REQUEST FOR DISMISSAL  
WITHOUT PREJUDICE

OPPOSITION PROCEEDING NO.  
91221349  
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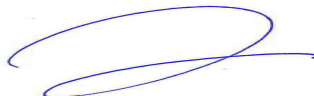
For the Mark: WAYSIDE

2. In accordance with the resolution described within paragraph 1 of this Request for Dismissal Without Prejudice, Opposer and Applicant expressly have agreed in writing that Opposer shall seek the withdrawal of its opposition and the dismissal of this Proceeding *without prejudice* to Opposer's rights hereafter to oppose the registration of Applicant's WAYSIDE marks or seek the cancellation of any U.S. trademark registrations issued relative to Applicant's WAYSIDE marks.

**FOR THE REASONS STATED HEREIN**, Opposer respectfully requests that the Trademark Trial & Appeal Board dismiss this opposition proceeding *without prejudice* in accordance with 37 CFR §2.106(c).

Respectfully submitted by:

**SCHLEY LOOK GUTHRIE & LOCKER LLP**

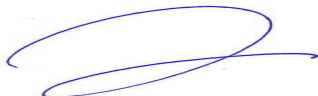


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By: Brett Locker  
Attorneys of Record for Opposer  
Turn Key Wine Brands LLC

The undersigned hereby certifies that a true and complete copy of the foregoing REQUEST FOR DISMISSAL WITHOUT PREJUDICE / UPON CONSENT OF APPLICANT has been served on Barbara Lipshutz by mailing said copy on Applicant's attorney of record, Barbara Lipshutz, *via* First Class Mail, postage prepaid in an envelope addressed as follows:

Barbara Lipshutz  
Jacobs & Burleigh LLP  
445 Park Ave. Fl. 17  
New York, NY 10022-2606



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Brett Locker

March 29, 2016