

ESTTA Tracking number: **ESTTA372370**

Filing date: **10/08/2010**

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

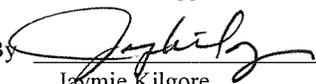
Proceeding	92052702
Party	Plaintiff Rebel Wine Co. LLC
Correspondence Address	J. SCOTT GERIEN DICKENSON, PEATMAN & FOGARTY 809 COOMBS STREET NAPA, CA 94559 UNITED STATES Sgerien@dpf-law.com
Submission	Withdrawal of Cancellation
Filer's Name	J. Scott Gerien
Filer's e-mail	tmdept@dpf-law.com
Signature	/J. Scott Gerien/
Date	10/08/2010
Attachments	Motion to Dismiss with Prejudice.pdf ( 2 pages )(98858 bytes )

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through the ESTTA system located at <http://estta.uspto.gov>.

Dated: 10/8/10

By   
Jaymie Kilgore

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

REBEL WINE CO. LLC,  
  
Petitioner,  
  
v.  
  
ACEVES, CESAR, ACEVES, JOSE DE  
JESUS, and MUNOZ, DANIEL,  
  
Registrants.

CANCELLATION NO. 92052702

**MOTION TO DISMISS WITH  
PREJUDICE**

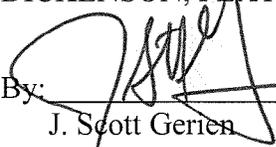
TO THE COMMISSIONER OF TRADEMARKS:

Rebel Wine Co. LLC, ("Petitioner"), hereby moves to dismiss with prejudice the cancellation action filed against Registrants, and any successors in interest to Registrants' rights in the subject mark.

Dated: 10/8/10

Respectfully submitted,

DICKENSON, PEATMAN & FOGARTY

By:   
J. Scott Gerien  
Alejon Kent

809 Coombs Street  
Napa, California 94559  
Telephone: (707) 252-7122  
Facsimile: (707) 255-6876

Attorneys for Petitioner  
Rebel Wine Co. LLC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I declare that I am over the age of 18 years, employed in the County of Napa, and not a party to the within action; my business address is 809 Coombs Street, Napa, California 94559.

On October 8, 2010, I placed a copy of the following document(s):

- **MOTION TO DISMISS WITH PREJUDICE**

in a sealed envelope addressed as shown below and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

The persons served are as follows:

Albert S. Penilla, Esq.  
Martine Penilla & Gencarella, LLP  
710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
al@mpiplaw.com,

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed October 8, 2010, at Napa, California.

  
Jaymie Kilgore  
Legal Secretary