

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: January 15, 2009

Opposition No. **91125436**

TEQUILA CAZADORES, S.A. DE
C.V. and BACARDI COMPANY
LIMITED

v.

TEQUILA CENTINELA, S.A. DE
C.V.

Cheryl Goodman, Interlocutory Attorney:

On February 24, 2004, the Board granted opposer's motion for summary judgment on the ground of fraud but found a genuine issue of material fact with regard to opposer's standing. On October 19, 2004, the Board granted opposer's motion for summary judgment on the ground of standing, entered judgment against applicant on the ground of fraud, sustained the opposition, and refused registration of application Serial No. 76112825.

Subsequent to the Board's decision, applicant filed a civil action under 15 U.S.C. Section 1071(b), and on November 13, 2008, the parties' filed with the Board notice of the stipulation and order of dismissal in the civil action. The stipulation provides, as part of the parties' settlement, that opposer will not interfere with the

registration of the involved mark, application serial no. 76112825.

However, the decision in the Board proceeding was not addressed in the parties' stipulation, and therefore, the decision still stands with the current status being entry of judgment in opposer's favor and registration refused to applicant with respect to application Serial No. 76112825.

Therefore, opposer or the parties need to file an appropriate paper with respect to the Board's decision on summary judgment in order for the application to go forward to registration so that the parties' settlement can be effected.¹

The parties are allowed until THIRTY DAYS from the mailing date of this order to file the appropriate paper or papers.

Proceedings herein remain suspended.

¹ See for example, Opposition No. 91123506, extry no. 120.