

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Baez

Mailed: September 17, 2002

Opposition No. 91150616

OAKVILLE HILLS CELLAR, INC.

v.

GUILLERMO URIBE

**Vionette Baez, Paralegal**

On July 8, 2002, opposer filed an stipulation of dismissal of the opposition, **without written consent** of opposer entered into a settlement agreement.

However, Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the **written** consent of applicant. It is unclear from the parties' settlement agreement whether applicant consents to the withdrawal of the opposition with or without prejudice.

In view thereof, opposer is allowed thirty days from the mailing date of this order in which to submit applicant's written consent to the withdrawal, failing which the opposition will be dismissed with prejudice.

