

ESTTA Tracking number: **ESTTA160267**

Filing date: **08/31/2007**

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

Proceeding	91167473
Party	Defendant Santa Barbara Pistachio Company
Correspondence Address	JOSEPH W. PRICE SNELL & WILMER, LLP 600 ANTON BOULEVARD, SUITE 1400 COSTA MESA, CA 92626 UNITED STATES jprice@swlaw.com
Submission	Motion to Dismiss - Rule 12(b)
Filer's Name	Joseph W. Price
Filer's e-mail	sfarnus@swlaw.com
Signature	/Joseph W. Price/
Date	08/31/2007
Attachments	Stipulated_Dismissal.pdf (2 pages)(80528 bytes)

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

3
4 Santa Barbara Olive Company, Inc.

Opposition No. 91167473

5 Opposer,

STIPULATED DISMISSAL

6 v.

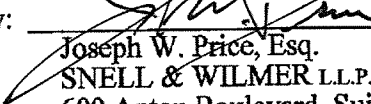
7 Santa Barbara Pistachio Company

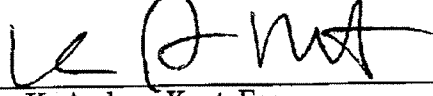
8 Applicant.

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10 Pursuant to that certain written settlement agreement entered by the parties on or about
11 May 14, 2007, and subject to the covenants, conditions and limitations stated therein, Santa
12 Barbara Olive Company, Inc. and Santa Barbara Pistachio Company, through their respective
13 representatives, hereby stipulate to a dismissal as follows:

- 14 1. Cancellation Proceeding No. 92045179, to cancel U.S. Registration No. 2473451,
15 is hereby withdrawn and dismissed;
- 16 2. Opposition Proceeding No. 91167473 to Trademark Application 75/576,687 is
17 hereby withdrawn and dismissed to permit the application to proceed forward for registration; and
- 18 3. The Answer and Counterclaims in the Opposition Proceeding No. 911674473 to
19 cancel Registration Nos. 1,784,286 and 2,735,839 are hereby withdrawn and dismissed.

20
21 SANTA BARBARA PISTACHIO COMPANY SANTA BARBARA OLIVE COMPANY

22
23 By: 
24 Joseph W. Price, Esq.
25 SNELL & WILMER L.L.P.
26 600 Anton Boulevard, Suite 1400
27 Costa Mesa, CA 92626-7689

22
23 By: 
24 K. Andrew Kent, Esq.
25 Rincon Venture Law Group
26 555 St. Charles Drive, Suite 107
27 Thousand Oaks, CA 91360

28 Dated: August 31, 2007

Dated: 8-28-07

STIPULATED DISMISSAL

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It is so Ordered,

Dated: September ____, 2007

By _____
The Honorable Andrew P. Baxley
Interlocutory Attorney