

ESTTA Tracking number: **ESTTA750777**

Filing date: **06/07/2016**

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

Proceeding	91223120
Party	Plaintiff E. & J. Gallo Winery
Correspondence Address	MICHAEL J SALVATORE HOLMES WEINBERG PC 30765 PACIFIC COAST HWY SUITE 411 MALIBU, CA 90265 UNITED STATES hwtrademarks@gmail.com, msalvatore@holmesweinberg.com, smweinberg@holmesweinberg.com
Submission	Withdrawal of Opposition
Filer's Name	Steven Weinberg
Filer's e-mail	hwtrademarks@gmail.com, msalvatore@holmesweinberg.com
Signature	/Steven M. Weinberg/
Date	06/07/2016
Attachments	2016 06 07_Notice of Settlement_Dismissal of Action_91223120.pdf(148207 bytes )

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

In re Serial No. No. 86/380,529

E. & J. Gallo Winery,

Opposer,

v.

Randy Stoller,

Applicant.

Opposition No. 91223120

**NOTICE OF SETTLEMENT AND  
REQUEST TO DISMISS OPPOSITION**

TO: ASSISTANT COMMISSIONER FOR TRADEMARKS  
**BOX TTAB –FEE**  
2900 Crystal Drive  
Arlington, VA 22202-3513

Opposer E. & J. Gallo Winery (“Opposer”), respectfully submits this notice of settlement and requests to dismiss without prejudice the opposition in this matter as a result thereof.

Opposer and Applicant Randy Stoller (“Applicant”), entered into a settlement agreement on June 6, 2016. The settlement agreement effectually resolves the issues between the parties and as such, this matter may be dismissed without prejudice.

DATED this 7<sup>th</sup> Day of June 2016.

Respectfully submitted,

By: \_\_\_\_\_

Steven M. Weinberg  
Holmes Weinberg, PC  
30765 Pacific Coast Highway, Suite 411  
Malibu CA 90265  
Tel: (310) 457-6100  
Fax: (310) 457-9555  
Email: [smweinberg@holmesweinberg.com](mailto:smweinberg@holmesweinberg.com)

Counsel for Opposer E. & J. Gallo Winery

**Certificate of Service**

The undersigned hereby certifies that a true copy of the foregoing **NOTICE OF SETTLEMENT AND REQUEST TO DISMISS OPPOSITION** was served by mail to Applicant's counsel at the following address:

Daniel N. Christus  
McDermott Will & Emery LLP  
227 W. Monroe St.  
Chicago, IL 60606

Dated: June 7, 2016

By: /Nelda Piper/  
Nelda Piper