

ESTTA Tracking number: **ESTTA145971**

Filing date: **06/14/2007**

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

Proceeding	91169107
Party	Plaintiff Vivid Video, Inc. Vivid Video, Inc. Vivid Video, Inc. 15127 Califa Street Van Nuys, CA 91411 UNITED STATES
Correspondence Address	Jonathan Brown, Steven Fox Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, NY 14202 UNITED STATES jbrown@lglaw.com, sfox@lglaw.com
Submission	Withdrawal of Opposition
Filer's Name	Jonathan W. Brown
Filer's e-mail	ip@lglaw.com
Signature	/j w brown/
Date	06/14/2007
Attachments	Request for Dismissal.pdf (2 pages)(137123 bytes)

CIV-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): WILLIAM J. BRIGGS, II, (BAR NO. 144717) 310-556-3501 EVAN N. SPIEGEL (BAR NO. 198071) LAVELY & SINGER PROFESSIONAL CORPORATION 2049 Century Park East, Suite 2400 Los Angeles, CA 90067		TELEPHONE NO.: 310-556-3501		FOR COURT USE ONLY CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court APR 25 2007 John A. Clarke, Executive Officer/Clerk By H. Carrillo, Deputy	
ATTORNEY FOR (Name): Plaintiff Kira Kener and Kener Enterprises Inc Insert name of court and name of judicial district and branch court, if any: Los Angeles Superior Court Central District					
PLAINTIFF/PETITIONER: KIRA KENER, an individual; and KENER ENTERPRISES, INC. a North Carolina co DEFENDANT/RESPONDENT: VIVID ENTERTAINMENT GROUP, a California corporation; VIVID ENTERTAINMENT GROUP, et al.					
REQUEST FOR DISMISSAL <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): Wrongful Termination; Breach of Contract				CASE NUMBER: BC 337262	
- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -					

1. TO THE CLERK: Please dismiss this action as follows:

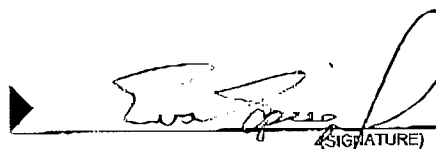
- a. (1) ☒ With prejudice (2) ☐ Without prejudice
- b. (1) ☐ Complaint (2) ☐ Petition
 (3) ☐ Cross-complaint filed by (name):
 (4) ☐ Cross-complaint filed by (name):
 (5) ☒ Entire action of all parties and all causes of action
 (6) ☐ Other (specify):*

on (date):

on (date):

Date: **APRIL 25, 2007****EVAN N. SPIEGEL, ESQ.**(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

* If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.


 (SIGNATURE)
 Attorney or party without attorney for: **Plaintiffs Kira Kener and Kener Enterprises Inc**
☒ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-complainant

2. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

** If a cross-complaint or Response (Family Law) seeking affirmative relief is on file, the attorney for cross-complainant (respondent) must sign this consent consent if required by Code of Civil Procedure section 581(i) or (j).

(SIGNATURE)
 Attorney or party without attorney for:
☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-complainant

(To be completed by clerk)

3. ☒ Dismissal entered as requested on (date): **APR 25 2007**
4. ☐ Dismissal entered on (date): as to only (name):
5. ☐ Dismissal not entered as requested for the following reasons (specify):

6. ☒ a. Attorney or party without attorney notified on (date): **APR 25 2007**
 b. Attorney or party without attorney not notified. Filing party failed to provide
☐ a copy to conform ☐ means to return conformed copy

Hugo CarrilloDate: **APR 25 2007****JOHN A. CLARKE, CLERK**

, Deputy

PROOF OF SERVICE
1013A(3) C.C.P. Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2049 Century Park East, Suite 2400, Los Angeles, California 90067-2906.

On the date listed below, I served the foregoing document described as:

CONFORMED COPY OF ENTRY OF REQUEST FOR DISMISSAL

on the interested parties in this action by placing:

☒ a true and correct copy -OR- ☐ the original document
thereof enclosed in sealed envelopes addressed as follows:

Mark Stuart Hoffman, Esq.
Labowe Labowe & Hoffman
1631 W. Beverly Blvd., 2nd Floor
Los Angeles, California 90026
Telephone: (213) 250-9800
Facsimile: (213) 975-1145

Paul J. Cambria, Jr., Esq.
Jonathan W. Brown, Esq.
Lipsitz, Green, Fahringer, Roll,
Salisbury & Cambria, LLP
42 Delaware Avenue, Suite 300
Buffalo, New York 14202-3857
Telephone: (716) 849-1333
Facsimile: (716) 855-1580

☐ **BY MAIL:**

☐ I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **VIA FACSIMILE:** I served the foregoing document described by facsimile machine located at telephone number 310-556-3615, pursuant to California Rules of Court Rule 2009, to the interested parties in this action: The facsimile machine I used complied with California Rules of Court Rule 2003(3). The transmission was complete and no error was reported by the machine. I caused the machine to print a transmission record of the transmission, a copy of which is attached to this Declaration.

☐ **BY E-MAIL**

☐ As follows: I e-mailed a copy of the above-described document to each of the e-mail addresses below using Adobe Acrobat.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed April 27, 2007, at Los Angeles, California.


MARK STUART HOFFMAN