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18 **UNITED STATES DISTRICT COURT**

19 **EASTERN DISTRICT OF CALIFORNIA (SACRAMENTO)**

20 V.V.V. & SONS EDIBLE OILS, LTD.,

) CASE 2:14-CV-02961-TLN-CKD

21 Plaintiff,

) [Magistrate Judge: Carolyn K. Delaney]
) [District Judge: Troy L. Nunley]

22 vs.

23 MEENAKSHI OVERSEAS, LLC.,

**STIPULATION TO LIFT STAY AND
 RECONSIDERATION THEREOF;
 AND ORDER**

24 Defendant.

25 This is a joint stipulation entered into between the parties who now seek approval of the
 26 Court to enter an order lifting the instant stay and, in doing so, reconsider the Defendant's
 27 outstanding motion (ECF 7) with respect to the stay of the proceeding of the '654 mark.

28

JOINT STIPULATION TO LIFT STAY AND FOR RECONSIDERATION THEREOF

1 In the instant proceeding, the Plaintiff is among other things challenging Defendant's
2 United States trademark registrations, namely nos. 4334000, 4225172 and 4006654 for
3 IDHAYAM ("Defendant's registrations"). Plaintiff has also brought a concurrent cancellation
4 proceeding of Defendant's registrations before the United States Patent and Trademark Office
5 (USPTO).
6

7 The Defendant has filed a motion to dismiss the instant case as well as the proceeding
8 before the USPTO for reasons that include *res judicata* - regarding Defendant's registration no.
9 4006654 ("the '654 mark").
10

11 The USPTO granted the dismissal as to claims regarding the '654 mark, but not as to the
12 remaining two (2) marks. The Defendant did not challenge the ruling. The Plaintiff appealed the
13 judgment to the Federal Circuit. In view of the appeal, the Defendant requested this Court stay
14 pending the decision. The appeal was denied and Mandate issued February 22, 2016. The
15 USPTO stayed the concurrent proceeding in view of this case.
16

17 On March 31, 2016, this Court ruled on Defendant's outstanding motion to dismiss as to
18 trademark registration nos. 4334000 and 4225172, and in doing so, the Court stayed the
19 proceeding as to the '654 mark (ECF 21) pending the appeal.
20

21 The parties since engaged in discussions regarding ECF 21 and requested that the Court
22 extend time for Defendant to respond to the complaint (ECF 1) so the parties can have an
23 opportunity to consider streamlining the litigation by either stipulating to eventual relief from the
24 stay and or possibly seeking clarification of this Court's Order (ECF 22).
25

26 Upon further discussions, the parties represent that the time to challenge the appeal has
27 expired. The parties request the associated stay be lifted therefore, and in doing so, request the
28 Court reconsider the Defendant's motion (ECF 7) with respect to the stay of the proceeding of

