

1 Michael L. Meeks, Esq. (State Bar No. 172000)

2 Michael A. Rule, Esq. (State Bar No. 152452)

3 Becky Hsiao, Esq. (State Bar. No. 232361)

4 **PEPPER HAMILTON LLP**

5 5 Park Plaza, Suite 1700

6 Irvine, California 92614

7 Telephone: 949.567.3500

8 Fax: 866.777.8799

9 E-Mail: [Meeksm@pepperlaw.com](mailto:Meeksm@pepperlaw.com)

10 M. Kelly Tillery, Esq. (PA Bar No. 30380)

11 Elizabeth Campbell, Esq. (PA Bar No. 83729)

12 **PEPPER HAMILTON LLP**

13 3000 Two Logan Square

14 Eighteenth and Arch Streets

15 Philadelphia, PA 19103-2799

16 Telephone 215.981.4000

17 Facsimile 215.981.4750

18 E-Mail [tilleryk@pepperlaw.com](mailto:tilleryk@pepperlaw.com)

19 Attorneys for IN-N-OUT BURGERS, a California Corp.

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

22 IN-N-OUT BURGERS, a California  
23 Corporation,

24 Plaintiff,

25 v.

26 SAI M. ONG, an individual d/b/a  
27 “IN N OUT SMOG CHECK,” BO  
28 TRAN, an individual d/b/a “IN &  
OUT SMOG CHECK,” PHI L. LE,  
an individual d/b/a “IN-N-OUT

Case No. C07 05453 JL

Assigned for all purposes to the  
Honorable James Larson, Dept. F

**NOTICE OF DISMISSAL**

Date: January 30, 2008

Time: 10:00 a.m.

Dept.: F

1 SMOG CHECK,” MAN Q. DINH,  
2 an individual d/b/a “IN N OUT  
3 SMOG CHECK,”

4 Defendants.  
5

6 **TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR**  
7 **ATTORNEYS OF RECORD:**

8 PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure  
9 41(a)(1)(i), plaintiff IN-N-OUT BURGER (“INO BURGER”) hereby dismisses the  
10 above-captioned matter against defendants SAI M. ONG, an individual d/b/a “IN N  
11 OUT SMOG CHECK”, BO TRAN, an individual d/b/a “IN & OUT SMOG  
12 CHECK”, PHI L. LE, an individual d/b/a “IN-N-OUT SMOG CHECK”, and MAN  
13 Q. DINH, an individual d/b/a “IN N OUT SMOG CHECK” for state and federal  
14 Trademark Infringement, state, federal, and common law Unfair Competition, and  
15 dilution under California law, without prejudice.

16 PLEASE TAKE FURTHER NOTICE that INO BURGER requests that the  
17 Court take the Initial Case Management Conference, scheduled for January 30,  
18 2008, at 10:30 a.m., off calendar.  
19  
20  
21  
22  
23

24 ///

25 ///

26 ///

27 ///

28

1 Dated: January 25, 2008

Respectfully submitted,

2  
3 By: \_\_\_\_\_/s/\_\_\_\_\_

4 Michael Rule, Esq.  
5 Michael L. Meeks, Esq.  
6 Becky Hsiao, Esq.  
7 PEPPER HAMILTON LLP  
8 5 Park Plaza, Suite 1700  
9 Irvine, CA 92614-8503  
10 Telephone: 949.567.2500  
11 Facsimile 949. 863.0151  
12 E-Mail: [meeksm@pepperlaw.com](mailto:meeksm@pepperlaw.com)

13 M. Kelly Tillery, Esq. (PA Bar No. 30386)  
14 PEPPER HAMILTON LLP  
15 3000 Two Logan Square  
16 Eighteenth & Arch Streets  
17 Philadelphia, PA 19103-2799  
18 Telephone: 215.981.4000  
19 Facsimile: 215.981.4750  
20 E-mail: [tilleryk@pepprelaw.com](mailto:tilleryk@pepprelaw.com)

Attorneys for IN-N-OUT BURGERS

21 February 4, 2008

