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14 O'NEILL BEVERAGES CO. LLC

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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18

19 JaM Cellars, Inc.,

20 Plaintiff,

21 vs.

22 O'Neill Beverages Co. LLC,

23 Defendant.  
24  
25

CASE NO. 3:17-cv-00690-WHO

**STIPULATED DISMISSAL WITH  
PREJUDICE; ORDER**

26 The parties in this action have entered into a settlement agreement resolving the  
27 dispute. As part of the settlement agreement Defendant is required to change its product  
28 packaging to feature a new label for use with the trademark at issue in this dispute. The parties

STIPULATED DISMISSAL WITH PREJUDICE;  
[PROPOSED] ORDER

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3:17-cv-00690-WHO

1 have agreed that the new label is an acceptable mechanism to address Plaintiff's concerns  
2 related to the trademark infringement claims asserted in this matter. However, before  
3 Defendant can utilize this new label, the new label must be approved by state and federal  
4 agencies that regulate the alcohol beverage industry.

5 Accordingly, the parties stipulate that this matter be DISMISSED WITH PREJUDICE and  
6 any hearings scheduled in this matter be VACATED, but if any party certifies to this Court, with  
7 proper notice to opposing counsel prior to July 1, 2018, that settlement has not in fact occurred, this  
8 order shall be vacated and this cause shall be restored to the calendar for further proceedings.  
9

10 Respectfully Submitted,

11 Dated: January 15, 2018

DICKENSON, PEATMAN & FOGARTY

12 /s/ J. Scott Gerien

13 J. Scott Gerien

14 Attorneys for Plaintiff,  
15 JAM CELLARS, INC.

16 Dated: January 15, 2018

FARELLA BRAUN + MARTEL LLP

17 /s/ Robert C. Holtzapple

18 Robert C. Holtzapple

19 Attorneys for Defendant,  
20 O'NEILL BEVERAGES CO. LLC  
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ORDER

IT IS SO ORDERED.

DATED: January 17, 2018



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HONORABLE WILLIAM H. ORRICK  
UNITED STATES DISTRICT JUDGE