

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-1431  
(Opposition No. 91/177,477)

MARTELL & CO. (S.A.),

Appellant,

v.

TEQUILA CUERVO LA ROJENA, S.A. DE C.V.,

Appellee.

Appeal from the United States Patent and Trademark Office,  
Trademark Trial and Appeal Board.

ON MOTION

## ORDER

Tequila Cuervo La Rojena states that it is withdrawing its application with the consent of Martell & Co. and that this renders appeal no. 2009-1431 moot. The court treats the submission as an unopposed motion to dismiss the appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted.
- (2) Each side shall bear its own costs.

FOR THE COURT

**SEP 29 2009**

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: H. John Campaign, Esq.  
Marie-Anne Mastrovito, Esq.  
s17

ISSUED AS A MANDATE: **SEP 29 2009**

**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

**SEP 29 2009**

**JAN HORBALY  
CLERK**