

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: June 18, 2002

Opposition No. 91150279

DRESSLER FOODS, INC.

v.

NUTRITION FOR LIFE INTERNATIONAL, INC.

Nancy L. Omelko, Interlocutory Attorney:

On April 9, 2002, applicant responded to the Board's March 28, 2002 notice of default by requesting that default judgment not be entered because the parties had entered into a settlement agreement and opposer had agreed to withdraw the opposition. Applicant has provided a copy of the settlement agreement which indicates that opposer would not further object to registration of the involved mark. Based on the information provided by applicant on April 9, 2002, the notice of default mailed on March 28, 2002 is hereby set aside. See Fed. R. Civ. P. 55, and TBMP §317.

However, the Board has not received a withdrawal of the opposition from opposer. Accordingly, opposer is allowed until **thirty days** from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will be dismissed without prejudice. See Trademark Rule 2.106(c).