

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

dmd

Mailed: April 7, 2006

Opposition No. 91160976

Kellogg North America  
Company

v.

Azari Fruit Products, LLC.

The Board notes the parties' request to destroy or return confidential materials inadvertently made of record by applicant. Inasmuch as the materials are a part of the electronic record in this case, they can be neither destroyed nor returned. However, the Board will electronically mark the materials as confidential, so that they may not be viewed by the public. A redacted copy of the proposed amendment and applicant's communication, i.e., without the inadvertently submitted settlement agreement, should be submitted no later than **thirty days** from the mailing date of this order.

In view of the stipulation filed March 12, 2006, the opposition is dismissed without prejudice.

***By the Trademark Trial  
and Appeal Board***