

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

tdc

Mailed: January 22, 2010

Opposition No. 91171425

Opposition No. 91171426

PPC Marketing, Ltd.

v.

Michael Foods of Delaware,
Inc.

On November 17, 2009, opposer filed a withdrawal of the above-captioned oppositions without the written consent of applicant. Although the withdrawal was filed without prejudice, Trademark Rule 2.106(c) provides that after an answer is filed, an opposition may not be withdrawn without prejudice except with the written consent of the applicant. As a result, on December 7, 2009, Opposition Nos. 91171425 and 91171426 were dismissed with prejudice.

On January 7, 2010, the parties' filed a joint motion for relief from final judgment requesting leave for amendment of the final judgment to reflect dismissal without prejudice. The motion further requests dismissal of applicant's counterclaims against Reg. Nos. 2975706, 2401500 and 2164616 without prejudice.

In view thereof, the Board's December 7, 2009 order is hereby vacated. Opposition Nos. 91171425 and 91175426, and applicant's counterclaims to cancel Reg. Nos. 2975706, 2401500 and 2164616, are hereby dismissed without prejudice. See Trademark Rule 2.106(c).

Accordingly, application Serial Nos. 78544603 and 78544615 will be moved forward for further processing.

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