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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91182937
Party	Defendant Fage Dairy Processing Industry S.A.
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Date	07/08/2008
Attachments	STIPULATION REGARDING PLEADINGS AND AMENDMENTS - OPP. NO. 91182937.pdf (4 pages)(124041 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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GENERAL MILLS, INC. and	:	
	:	
GENERAL MILLS IP	:	Opposition No. 91118482 (parent)
HOLDINGS II, LLC,	:	Opposition No. 91118950
Opposers,	:	Opposition No. 91155075
	:	
v.	:	and
	:	
FAGE DAIRY PROCESSING	:	Opposition No. 91182937
INDUSTRY, S.A.,	:	
	:	
Applicant.	:	
-----x		

STIPULATION REGARDING PLEADINGS AND AMENDMENTS

Opposers General Mills, Inc. and General Mills IP Holdings II, LLC ("Opposers") and Applicant Fage Dairy Processing Industry, S.A. ("Applicant") (collectively the "Parties") through their undersigned attorneys hereby agree and stipulate as follows:

1. Opposers and Applicant are parties to Opposition Nos. 91118482, 91118950, and 91155075, presently consolidated under the parent case Opposition No. 91118482 ("Opposition I") and Opposition No. 91182937 ("Opposition II") which are currently pending before the Trademark Trial & Appeal Board ("Board");
2. On April 9, 2007, the Board granted Opposers' motion for leave to amend its Consolidated Notice of Opposition in Opposition I to include a claim of fraud with respect to U.S. Application Serial Nos. 76/016,809, 76/016810, 76/016,811, 76/016,812 and 76/016,813 and accepted Opposers' Amended Consolidated Notice of Opposition.

3. On May 9, 2007, Applicant filed its Amended Answer and Counterclaim in Opposition I, alleging that Opposer General Mills IP Holdings II, LLC abandoned the marks which are the subject of U.S. Registration Nos. 724,897, 1,119,967 and 1,394,264.
4. On March 12, 2008, Opposers filed a Consolidation Notice of Opposition And Request for Suspension in Opposition II.
5. On April 21, 2008, Applicant filed an Answer To Consolidated Notice of Opposition And Request For Suspension And Counterclaim in Opposition II, alleging that that Opposer General Mills IP Holdings II, LLC abandoned the marks which are the subject of U.S. Registration Nos. 724,897, 1,119,967 and 1,394,264 and that Opposer General Mills, Inc. has no standing to pursue the proceeding in Opposition II.
6. Opposers hereby withdraw its claims of fraud as alleged in paragraphs 13 through 21 of Opposers' Amended Consolidated Notice of Opposition in Opposition I.
7. Applicant hereby withdraws its counterclaim for cancellation on grounds of abandonment as alleged in paragraphs 1 through 10 of Applicant's Answer To Amended Consolidated Notice of Opposition And Counterclaim in Opposition I and paragraphs 1 through 10 of Applicant's Answer To Consolidated Notice of Opposition And Request For Suspension And Counterclaim in Opposition II.
8. In connection with Opposition I, Opposers hereby consent to: (a) Applicant's amendment of the description of goods in U.S. Application Serial Nos. 76/016810, 76/016,811, 76/016,812 and 76/016,813 to "dairy products, namely, yogurt" in Class 29; and (b) Applicant's amendment of the description of goods in

U.S. Application Serial No. 76/016,809 to "Tzatziki, made of cucumbers, yogurt, garlic, herbs and spices; and dairy products, namely yogurt", in Class 29 and "Sauces, spices and food flavorings, not of essential oils", in Class 30, pursuant to the amendments simultaneously filed herewith by Applicant.

9. Applicant acknowledges and agrees that Opposers have standing to maintain the proceedings in Opposition I and II.
10. The Parties further agree and consent to the consolidation of Oppositions I and II pursuant to the simultaneously filed Joint Motion to Consolidate.

Dated: July 8, 2008

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INDUSTRY, S.A.

So ordered:

Trademark Trial and Appeal Board

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2008, a copy of the foregoing Stipulation Regarding Pleadings and Amendments was served on counsel of record for Opposers as follows:

BY FIRST CLASS MAIL

Felicia J. Boyd, Esq.
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