

**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**
 : **Opposition No. 91155075**
Opposers, : **Opposition No. 91182937**
 :
 :
v. :
 :
FAGE DAIRY PROCESSING :
INDUSTRY, S.A., :
 :
Applicant. :
-----X

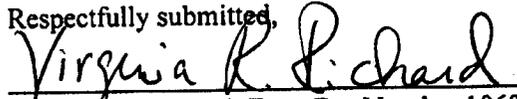
In response to the Board's Order, dated October 30, 2013, which requested a status report on *Fage Dairy Industry S.A. et al. v. General Mills, Inc. et al.*, No. 6:11-cv-01174-TJM-DEP (N.D.N.Y.); *General Mills, Inc. et al. v. Fage Dairy Industry S.A. et al.*, No. 6:12-CV-0920 (DEP) (N.D.N.Y.), the matter has been settled. The Court entered a Consent Judgment on November 5, 2013, a certified copy of which is attached hereto as Exhibit A.



11-07-2013

Date: 11/7/13

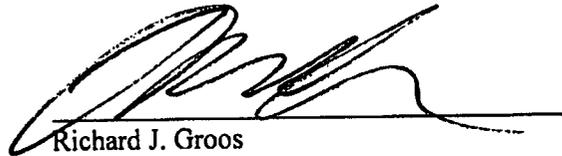
Respectfully submitted,



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200 Park Avenue
New York, New York 10166

Attorney for Applicant
FAGE Luxembourg S.á r.l assignee of
Fage Dairy Processing Industry, S.A.

Date: 11/7/13



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Attorneys for Opposers
General Mills, Inc. and General Mills IP
Holdings II, LLC

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2013, a copy of the Response to the Board's October 30, 2013 order was served on counsel of record for Opposers as follows:

BY FIRST CLASS MAIL

Richard J. Groos, Esq.
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Denise Bolden

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

FAGE DAIRY INDUSTRY, S.A., FAGE
USA DAIRY INDUSTRY, INC., and
FAGE LUXEMBOURG S.Á.R.L.,

Plaintiffs,

v.

Civil Action No. 06:11-CV-01174-(DEP)
(N.D.N.Y.) (Lead Case)

GENERAL MILLS, INC. and GENERAL
MILLS IP HOLDINGS II, LLC,

Defendants.

GENERAL MILLS, INC. and GENERAL
MILLS IP HOLDINGS II, LLC,

Plaintiffs,

v.

Civil Action No. 06:12-CV-0920 (DEP)
(N.D.N.Y.) (Member Case)

FAGE DAIRY INDUSTRY, S.A., FAGE
USA DAIRY INDUSTRY, INC., and
FAGE USA HOLDINGS, INC., FAGE
USA CORP., and FAGE LUXEMBOURG
S.Á.R.L.,

Defendants.

CONSENT JUDGMENT

The parties have reached agreement on terms of settlement and mutually consent to the following order. This Court has considered the order and concludes that it is appropriate and should be entered as a final judgment in this action.

U.S.D.C. FOR THE NORTHERN DISTRICT OF NEW YORK

I, the undersigned Clerk of the Court, do hereby certify that this is a true, correct and full copy of the original document on file in my custody.

of pages (text) 4, # of pages including (exhibits) 4
Dated 11/05/2013 Lawrence K. Baerman, Clerk
by Joanne Blawie Deputy Clerk.

PARTIES

1. General Mills, Inc. is a Delaware Corporation having its principal place of business located at Number One General Mills Boulevard, Minneapolis, Minnesota 55426.

2. General Mills IP Holdings II, LLC, is a Delaware Limited Liability Company having its principal place of business located at Number One General Mills Boulevard, Minneapolis, Minnesota 55426. GM IP Holdings is a wholly owned subsidiary of General Mills. GMI is a related company of GM IP Holdings for purposes of 15 U.S.C. § 1055.

3. FAGE Dairy Industry S.A. is a corporation organized and existing under the laws of Greece, with a principal place of business at 35, Hermou Street Metamorfossi, Athens GR-14452, Greece.

4. FAGE USA Dairy Industry, Inc. is a corporation organized and existing under the laws of the State of New York, with a principal place of business at One Opportunity Drive, Johnstown Industrial Park, Johnstown, New York 12095.

5. FAGE USA Holdings, Inc. is a corporation organized and existing under the laws of the State of New York, with a principal place of business at One Opportunity Drive, Johnstown Industrial Park, Johnstown, New York 12095.

6. FAGE USA, Corp. is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 62 Walnut Street, Wellesley Hills, MA 02481-2113.

7. FAGE Luxembourg S.Á.R.L. is a corporation organized and existing under the laws of Luxembourg, with a principal place of business at 5 rue du Kiem, L-1857, Luxembourg.

JURISDICTION

8. This Court has jurisdiction pursuant to 15 U.S.C. §§ 1121 and 1125(a) and 28 U.S.C. §§ 1331, 1332, 1338, 2201 and 2202 as a civil action arising under the Lanham Act and

as a civil action between, upon information and belief, citizens of different states and a foreign state in which the matter in controversy exceeds the value of \$75,000.00, exclusive of interest and costs.

9. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 because the state law claims originate from the same nucleus of operative facts as do the federal claims.

10. Venue is proper in this district pursuant to §§ 1391(b) and (c), and a substantial part of the events or omissions giving rise to the parties' claims occurred within this judicial district.

THIS COURT ORDERS AS FOLLOWS:

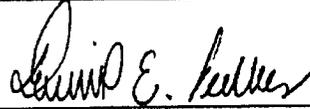
A. All pending claims and causes of action in the above-captioned consolidated proceeding between the parties are dismissed with prejudice, including: in Civil Action No. 6:12-CV-0920 (DEP) (Member Case), federal trademark infringement, federal false designation of origin, common law trademark infringement and unfair competition, and deceptive trade practices under N.Y. Gen. Bus. Law § 349; and in Civil Action No. 6:11-CV-1174 (DEP) (Lead Case), FAGE's appeal of the TTAB's September 14, 2011 decision, and request for declaratory judgment of non-infringement.

B. General Mills' Opposition to FAGE's Application Serial Nos. 77/037,793; 77/037,808; 77/037,835; 77/037,851; 77/037,869; 77/037,897; 77/037,905; 77/037,924 ("FAGE's 2006 Applications") is dismissed without prejudice with consent.

C. Pursuant to 15 U.S.C. §§ 1071(b) and 1119, the United States Patent and Trademark Office is directed to register on the Principal Register FAGE's United States Trademark Application Serial Nos. 77/037,793; 77/037,808; 77/037,835; 77/037,851; 77/037,869; 77/037,897; 77/037,905 and 77/037,924 without vacatur of the TTAB's September 14, 2011 decision.

D. Each party will pay its own fees and costs in connection with the present proceedings in the Northern District of New York, the prior proceedings in the District of Minnesota and the USPTO, and the settlement of these actions.

SO ORDERED this 5th day of November, 2013.



United States Magistrate Judge