

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: May 12, 2015

Opposition No. 91212680
(Parent Case)
Opposition No. 91213587

Frito-Lay North America, Inc.

v.

Real Foods Pty Ltd

**George C. Pologeorgis,
Interlocutory Attorney:**

On April 21, 2015, the parties filed a stipulation wherein they agree to the following:

1. Applicant stipulates that Opposer has standing to oppose Applicant's applications to register the marks CORN THINS and RICE THINS;
2. Upon the Board's approval of the aforementioned stipulation, Applicant agrees to file an amended answer in both Opposition Nos. 91212680 and 91213587 to delete the affirmative defense of laches (Third Affirmative Defense) and the affirmative defenses of waiver, acquiescence and estoppel (Fourth Affirmative Defense) asserted in each answer;
3. Opposer consents to Applicant's amended answers which delete the third and fourth affirmative defenses identified above; and

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4. Provided that the Board approves the stipulation and Applicant files the amended pleadings, Opposer withdraws its cross-motion for summary judgment filed on March 13, 2015.

The parties' April 21, 2015, stipulation is hereby **APPROVED**.¹

Accordingly, Opposer's cross-motion for summary judgment filed on March 13, 2015 will be given no further consideration.²

Proceedings otherwise remain suspended pending the disposition of Applicant's motion for summary judgment filed on January 23, 2015.

Applicant's motion for summary judgment will be decided in due course.

¹ Applicant should promptly file its amended answers pursuant to the parties' now approved stipulation in their respective proceedings. Such filings should be made no later than **three calendar days from the mailing date of this order**.

² In light of the Board's ruling herein, Applicant's consented motion (filed April 20, 2015) to extend its time to respond to Opposer's cross-motion for summary judgment is deemed moot and will be given no further consideration.