

ESTTA Tracking number: **ESTTA110493**

Filing date: **11/20/2006**

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

Proceeding.	91173351
Applicant	Plaintiff KELLOGG NORTH AMERICA COMPANY
Other Party	Defendant NutriSystem IPHC, Inc.

### **Motion for Suspension for Settlement With Consent**

The parties are actively engaged in negotiations for the settlement of this matter. KELLOGG NORTH AMERICA COMPANY requests that this proceeding be suspended for 180 days to allow the parties to continue their settlement efforts.

Proceedings Resume : 05/20/2007  
Discovery Period to Close : 09/17/2007  
Thirty-day testimony period for party in position of  
plaintiff to close : 12/16/2007  
Thirty-day testimony period for party in position of  
defendant to close : 02/14/2008  
Fifteen-day rebuttal testimony period to close : 03/30/2008

KELLOGG NORTH AMERICA COMPANY has secured the express consent of all other parties to this proceeding for the suspension requested herein.

KELLOGG NORTH AMERICA COMPANY has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,  
/david r haarz/  
David R. Haarz  
tjcomparoni@hdp.com,dhaarz@hdp.com  
tszuhaj@lawsgr.com  
11/20/2006