

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

vw/Winter/Dunn

Mailed: September 7, 2007

Opposition No. 91174104

**Kellogg North America
Company**

v.

**Marquez Brothers
International, Inc.**

On April 3, 2007, the parties filed a stipulation to amend application Serial No. 76646016, and to withdraw the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to delete **"breakfast cereals"** from the description of goods in International Class 30.¹ As amended, the Class 30 goods will read:

Chewing gum, flavored and sweetened gelatins, honey, pasta shells, rice, tortillas, tortilla chips, corn chips, salsa, cheese sauce, tomato sauce, spices, processed herbs, bakery products, bakery goods, bakery desserts, breakfast cereals, cake mixes, chili sauce, chili seasoning, chocolate food beverages not dairy or vegetable based,

¹ Application Serial No. 76646016 also includes Class 29 goods, which were not opposed.

chocolate powder, chocolate syrup,
chutney, cinnamon, coffee beans,
crackers, dried chili peppers, flavored
ices, flavored sweetened gelatin
desserts, hominy, hominy grits, ice
cream drinks, sauces, seasonings,
shakes, sherbert, sorbert, taco shells,
processed corn.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because the parties stipulated thereto, it is approved and entered. See Trademark Rule 2.133(a).

In view thereof, the opposition is dismissed without prejudice.

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