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Filing date: **04/14/2008**

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

Proceeding	91180828
Party	Plaintiff KELLOGG NORTH AMERICA COMPANY
Correspondence Address	Lisabeth H. Coakley Harness, Dickey & Pierce, P.L.C. 5445 Corporate Drive, Suite 200 Troy, MI 48098 UNITED STATES coakley@hdp.com
Submission	Withdrawal of Opposition
Filer's Name	DAVID A HERDMAN
Filer's e-mail	trademarks@kellogg.com
Signature	/DAVID A HERDMAN/
Date	04/14/2008
Attachments	Consent Motion scan.pdf (3 pages)(420130 bytes)

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

KELLOGG NORTH AMERICA COMPANY))	
Opposer,)	
v.)	
)	Opposition No. 91180828
)	Serial No. 77/123,581
THE QUAKER OATS COMPANY)	Mark: QUAKER SMART HEART
)	CHALLENGE & Heart Design
Applicant.)	Filing Date: March 6, 2007
)	Publication Date: July 24, 2007

**CONSENT MOTION TO
EXPRESSLY ABANDON APPLICATION AND DISMISS OPPOSITION**

Opposer, KELLOGG NORTH AMERICA COMPANY, and Applicant, THE QUAKER OATS COMPANY, having agreed to settle this opposition proceeding, jointly request that Applicant be permitted to expressly abandon its Application Serial No. 77/123,581 for the mark QUAKER SMART HEART CHALLENGE & Heart Design with the consent of Opposer and without prejudice. Upon the Board's approval of the foregoing express abandonment, the parties ask that this opposition proceeding be withdrawn with the consent of Applicant and without prejudice.

EXPRESS ABANDONMENT

With Opposer's consent, Applicant requests that its pending Application No. 77/123,581 allowed to be expressly abandoned, without prejudice.

DISMISSAL WITHOUT PREJUDICE

Upon acceptance and approval of the foregoing Express Abandonment to the subject Application, Opposer hereby moves, with Applicant's consent, that this Opposition Proceeding No. 91180828 be dismissed without prejudice.

WHEREFORE, the parties jointly request that Applicant's Motion to Expressly Abandon its Application be approved and entered by the Trademark Trial and Appeal Board, and that this opposition proceeding be dismissed without prejudice.

Consented to and submitted this 14th day of April, 2008.

KELLOGG NORTH AMERICA COMPANY

THE QUAKER OATS COMPANY

By: David A. Herdman

David A. Herdman
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Dated: April 9, 2008

By: Janet L. Silverberg

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Dated: April 10, 2008

