

ESTTA Tracking number: **ESTTA344729**

Filing date: **04/29/2010**

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

Proceeding	91194553
Party	Plaintiff KELLOGG NORTH AMERICA COMPANY
Correspondence Address	DAVID A HERDMAN KELLOGG NORTH AMERICA COMPANY ONE KELLOGG SQUARE, PO BOX 3599 BATTLE CREEK, MI 49016-3599 UNITED STATES trademark@kellogg.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	DAVID A HERDMAN/
Filer's e-mail	trademarks@kellogg.com
Signature	/DAVID A HERDMAN/
Date	04/29/2010
Attachments	SMART GOODNESS Suspension motion.pdf (2 pages)(60727 bytes)

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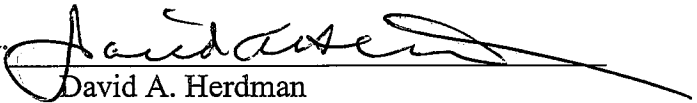
KELLOGG NORTH AMERICA COMPANY)	
)	
Opposer,)	
)	
v.)	
)	
RADLO FOODS LLC)	Opposition No. 91194553
)	Serial No. 77/620,901
)	Mark: SMART GOODNESS
Applicant.)	Filing Date: November 24, 2008
)	Publication Date: October 20, 2009
)	

CONSENTED MOTION FOR SUSPENSION

The parties KELLOGG NORTH AMERICA COMPANY and RADLO FOODS LLC, by its counsel, hereby stipulate to the suspension of these proceedings for a period of ninety (90) days subject to the right of either party to request resumption at any time.

The parties are actively engaged in settlement negotiations concerning this matter and mutually agree that these proceedings be suspended for ninety (90) days to allow the parties to continue these efforts. Applicant, Radlo Foods, LLC, by its attorney, S. Lloyd Smith of Buchanan Ingersoll & Rooney PC, has consented via an email message dated April 27, 2010, to the suspension.

Respectfully Submitted,
KELLOGG NORTH AMERICA COMPANY

By 
David A. Herdman
Assistant Secretary and Corporate Counsel
Kellogg North America Company
One Kellogg Square, P.O. Box 3599
Battle Creek, MI 49016-3599

Date: April 29, 2010

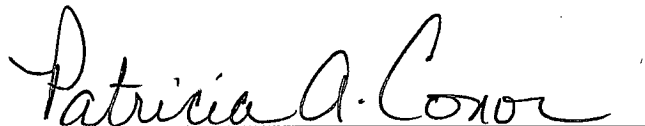
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Consented Motion for Suspension has been served on the following Attorney and Correspondent by mailing said copy on April 29, 2010, via First Class Mail, postage prepaid to:

S. Lloyd Smith
Buchanan Ingersoll & Rooney, PC
PO Box 1404
Alexandria, VA 22313-1404


Patricia A. Conor