

ESTTA Tracking number: **ESTTA510028**

Filing date: **12/10/2012**

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

Proceeding	91194881
Party	Plaintiff Kellogg North America Company
Correspondence Address	GEOFFREY D AURINI HARNESS DICKEY & PIERCE PLC 5445 CORPORATE DR STE 200 TROY, MI 48098 UNITED STATES gaurini@hdp.com, tjcomparoni@hdp.com, jmacmull@goetzfitz.com
Submission	Other Motions/Papers
Filer's Name	Geoffrey D. Aurini
Filer's e-mail	gaurini@hdp.com, tjcomparoni@hdp.com
Signature	/gda/
Date	12/10/2012
Attachments	91194881 Motion to Amend and Withdraw 121012.pdf (3 pages)(69984 bytes)

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

Kellogg North America Company)	
Opposer,)	
v.)	Opposition No. 91194881
)	Serial No. 77/484516
Classic Cooking LLC)	Mark: GARDEN LITES
Applicant.)	
<hr/>		

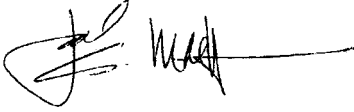
**CONSENTED MOTION TO AMEND APPLICATION
AND WITHDRAW OPPOSITION WITHOUT PREJUDICE**

Applicant, Classic Cooking LLC, hereby requests pursuant to 37 CFR §2.133(a) that the Trademark Trial and Appeal Board approve the amendment of its application, Serial No. 77/484516 to delete “veggie food products, namely, vegetable cutlets, vegetable nuggets; vegetable based meat products, namely, meat soufflés” and “vegetable based patties and” from the Class 29 description of goods so that the resulting Class 29 description of goods will read:

Vegetable pancakes; vegetable soufflés and diet vegetable soufflés, vegetable soufflés and diet vegetable soufflés with fish, cheese soufflés, frozen packaged entrees consisting of fish based patties, soups.

Kellogg North America Company hereby consents to the amendment of application Serial No. 77/484516 pursuant to the terms of a fully executed Settlement Agreement between the parties and, contingent upon entry of the foregoing amendment, Opposer withdraws its Notice of Opposition to Application Serial No. 77/484516 without prejudice and with Applicant’s consent, expressly given below.

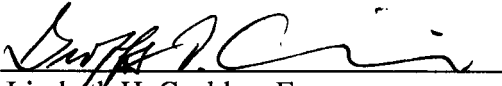
CLASSIC COOKING LLC

By: 
Joel G MacMull, Esq.
Goetz Fitzpatrick LLP
1 Penn Plaza, Suite 4401
New York, NY 10119-4490
(212) 695-8100
Attorneys for Applicant Classic Cooking LLC

Dated: 11/29/2012

Respectfully submitted

KELLOGG NORTH AMERICA COMPANY

By: 
Lisabeth H. Coakley, Esq.
Geoffrey D. Aurini, Esq.
Harness, Dickey & Pierce, P.L.C.
5445 Corporate Drive, Suite 200
Troy, MI 48098
(248)641-1600
Attorneys for Opposer Kellogg North
America Company

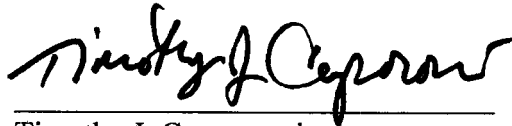
Dated: 12/10/12

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

Kellogg North America Company)	
Opposer,)	
)	Opposition No. 91194881
v.)	Serial No. 77/484516
)	Mark: GARDEN LITES
Classic Cooking LLC)	
Applicant.)	
<hr/>		

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Consented Motion to Amend Application and Withdraw Opposition Without Prejudice** has been served on Joel G. MacMull, counsel for Applicant by agreement via e-mail addressed to jmacmull@goetzfitz.com on December 10, 2012.



Timothy J. Comparoni