

ESTTA Tracking number: **ESTTA377403**

Filing date: **11/08/2010**

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

Proceeding	91196963
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 trademarks@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	11/08/2010
Attachments	Class 5 & 30 Consent Motion to Suspend.pdf (2 pages)(63543 bytes)

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

KELLOGG NORTH AMERICA COMPANY)

Opposer,)

v.)

GFA BRANDS, INC.)

Applicant.)

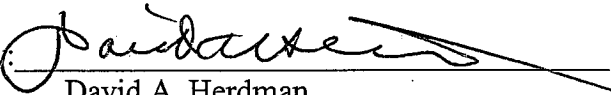
) Opposition No. 91196963
) Serial No. 77/864,279 & 77/864,206
) Mark: SMART BALANCE
) Filing Date: November 3, 2009
) Publication Date: April 20, 2010
)

CONSENTED MOTION FOR SUSPENSION

The parties KELLOGG NORTH AMERICA COMPANY and GFA Brands, Inc., 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, GFA Brands, Inc., by its attorney of record, Patrick M. Bergan of Davis & Kuelthau, S.C., has consented via a voice mail message dated November 8, 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: November 8, 2010

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

KELLOGG NORTH AMERICA COMPANY)

Opposer,)

v.)

NUTRIFIT, LLC)

Applicant.)

) Opposition No. _____
) Serial No. 78/584,914
) Mark: NUTRIFIT
) Filing Date: March 10, 2005
) Publication Date: May 15, 2007
)

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 of Record and Correspondent listed on the TARR website of the United States Patent and Trademark Office by mailing said copy on December 19, 2007, via First Class Mail, postage prepaid to:

Patrick M. Bergin
Davis & Kuelthau, S.C.
111 E. Kilbourn Ave. Suite 1400
Milwaukee, WI 53202-6613



Patricia A. Conor