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Filing date: **03/21/2011**

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

Proceeding	91197194
Party	Plaintiff Kellogg North American Company
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Submission	Other Motions/Papers
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Date	03/21/2011
Attachments	91197194 SUNNY FRUITS 306 032111.pdf ( 3 pages )(193207 bytes )

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

Kellogg North America Company	)	
Opposer,	)	
v.	)	Opposition No. 91197194
	)	Serial No. 77/886225
Promotion In Motion, Inc.	)	Mark: SUNNY FRUITS
Applicant.	)	
	)	

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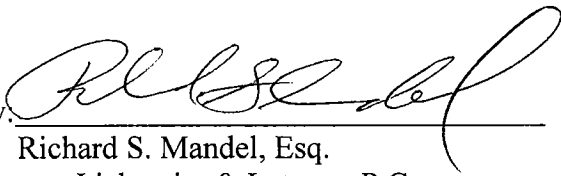
**CONSENTED MOTION TO  
AMEND APPLICATION AND WITHDRAW OPPOSITION**

Applicant, Promotion In Motion, Inc., hereby requests pursuant to 37 CFR §2.133(a) that the Trademark Trial and Appeal Board approve the amendment of its application, Serial No. 77/886225 to delete the references to granola so that the description of goods shall read as follows:

Processed fruit snacks made from fruit juice and/or fruit puree; fruit based snack foods, namely, fruit rolls; fruit bars, namely, processed fruit based food bars; fruit based snack foods comprised of fruit components; fruit based snack foods comprised of fruit and yogurt components.

Opposer, Kellogg North America Company, pursuant to the terms of a fully executed letter agreement between the parties, hereby consents to the amendment of application Serial No. 77/886225. Additionally, contingent upon entry of the foregoing amendment, Opposer withdraws its Notice of Opposition to Application Serial No. 77/886255 without prejudice and with Applicant's consent, expressly given below.


PROMOTION IN MOTION, INC.

By: 

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Attorneys for Applicant Promotion In  
Motion, Inc.

Respectfully submitted

KELLOGG NORTH AMERICA COMPANY

By: 

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America Company

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	)	

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Consented Motion To Amend Application And Withdraw Opposition has been served on Richard S. Mandel, counsel for Applicant, Promotion in Motion, Inc., by agreement, via e-mail addressed to rsm@c11.com, on March 21, 2011.

  
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 Timothy J. Comparoni