

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

mc/lms

Mailed: March 30, 2011

Opposition No. 91197194

Kellogg North American
Company

v.

Promotion In Motion, Inc.

On March 21, 2011, the parties filed applicant's proposed amendment to its application Serial No. 77886225, with opposer's consent, and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment applicant seeks to change the identification of goods by *deleting the references to granola so that the description of goods will 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."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice.

*By the Trademark Trial
and Appeal Board*