

ESTTA Tracking number: **ESTTA391841**

Filing date: **02/04/2011**

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

Proceeding	91197194
Party	Plaintiff Kellogg North American Company
Correspondence Address	LISABETH H. COAKLEY HARNESS, DICKEY & PIERCE, P.L.C. 5445 CORPORATE DRIVE, SUITE 200 TROY, MI 48098 UNITED STATES coakley@hdp.com, gaurini@hdp.com, tjcomparoni@hdp.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Geoffrey D. Aurini
Filer's e-mail	gaurini@hdp.com, tjcomparoni@hdp.com
Signature	/gda/
Date	02/04/2011
Attachments	91197194 SUNNY FRUITS 306 020411.pdf ( 2 pages )(53907 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
	)	Mark: SUNNY FRUITS
Promotion in Motion, Inc.	)	
Applicant.	)	
_____	)	

**CONSENTED MOTION TO SUSPEND PROCEEDINGS**

Opposer, Kellogg North America Company, respectfully requests these proceedings be suspended for a period of ninety (90) days in order to allow the parties additional time to pursue settlement in this matter subject to the right of either party to request resumption at any time. Richard S. Mandel, counsel for applicant, consented to this Motion to Suspend via e-mail dated February 1, 2011.

Since this request is made for good cause and not made for purposes of delay, and since the parties have previously participated in the mandatory discovery conference, it is respectfully requested that trial dates be reset as indicated below:

Time to Answer..... CLOSED

Deadline for Discovery Conference..... CLOSED

Discovery Opens..... CLOSED

Initial Disclosures Due ..... 05/10/11

Expert Disclosures Due..... 09/07/11

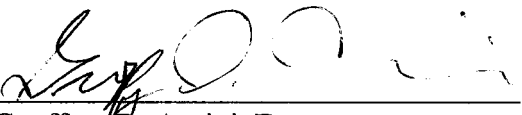
Discovery Closes ..... 10/07/11

Plaintiff's Pretrial Disclosures ..... 11/21/11

Plaintiff's 30-Day Trial Period Ends ..... 01/05/12  
Defendant's Pretrial Disclosures..... 01/20/12  
Defendant's 30-Day Trial Period Ends..... 03/05/12  
Plaintiff's Rebuttal Disclosures ..... 03/20/12  
Plaintiff's 15-Day Rebuttal Period Ends..... 04/19/12

Respectfully submitted,

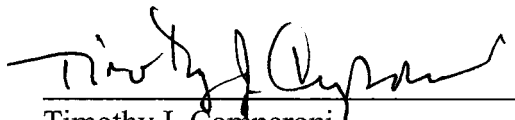
Date: February 4, 2011

By:   
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Geoffrey D. Aurini, Esq.  
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(248) 641-1255

Attorneys for Kellogg North America  
Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Consented Motion to Suspend Proceedings has been served on Richard S. Mandel, counsel for Applicant, Promotion in Motion, Inc., by agreement, via e-mail addressed to rsm@ccl.com, on February 4, 2011.

  
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Timothy J. Comparoni