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Filing date: **11/30/2012**

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

Proceeding	91208055
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	Other Motions/Papers
Filer's Name	DAVID A HERDMAN
Filer's e-mail	trademarks@kellogg.com
Signature	/DAVID A HERDMAN/
Date	11/30/2012
Attachments	Consent Amendment & Withdrawal Motion.pdf (5 pages)(157827 bytes)

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

KELLOGG NORTH AMERICA COMPANY)	
)	
Opposer,)	
)	
v.)	
)	Opposition No. 91208055
)	Serial No. 85/528,263
BARILLA G.E.R. FRATELLI SPA)	Mark: NUTRIPLUS
)	Filing Date: January 30, 2012
Applicant.)	Publication Date: May 22, 2012
)	

STIPULATION OF THE PARTIES


Opposer, KELLOGG NORTH AMERICA COMPANY, and Applicant, BARILLA G.E.R. FRATELLI SPA, hereby stipulate that the Amendment of Trademark Application with Consent, as filed with the Trademark Trial and Appeal Board on November 29, 2012, and attached hereto as Exhibit A, is an amendment agreed upon by the parties to settle the dispute between the parties. If the Amendment of Trademark Application is allowed and ordered by the Trademark Trial and Appeal Board, then the parties agree to a termination of the captioned opposition on the basis below.

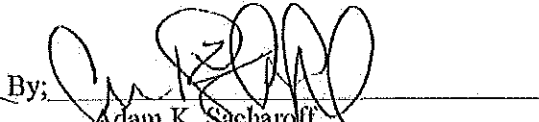
STIPULATED WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE

Opposer, KELLOGG NORTH AMERICA COMPANY, herein withdraws, *without prejudice* and with the consent of Applicant, BARILLA G.E.R. FRATELLI SPA, Opposition No. 91208055 Application Serial No. 85/528,263 for the mark NUTRIPLUS.

Respectfully submitted

KELLOGG NORTH AMERICA COMPANY BARILLA G.E.R. FRATELLI SPA

By: 
David A. Herdman
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By: 
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Attorney for Applicant

Dated: NOVEMBER 30, 2012

Dated: 11-30, 2012

Kellogg North America Company,)	
)	Opposition No. 91208055
Opposer,)	
)	Serial No. 85/528,263
vs.)	
)	Trademark NUTRIPLUS
Barilla G.e.R. Fratelli SPA)	
)	
Applicant.)	

AMENDMENT OF TRADEMARK APPLICATION WITH CONSENT

Applicant, through its attorneys and pursuant to 37 C.F.R. 2.133(a), hereby requests an amendment to its recitation of goods. Class 029 remains as currently pending, and Class 030 is amended as shown below.


Class 029: Processed olives, olive oil, cheese, dips, snack dips, prepared and/or packaged foods, dishes, meals, meal kits, and microwaveable foods consisting primarily of meats, poultry, vegetables and/or fruits;

Class 030: Sauce, salad dressings, food seasonings, seasoning mixes, seasonings, prepared and/or packaged foods, dishes, meals, meal kits, and microwaveable foods consisting primarily of rice, bread, cereals, noodles (excluding cereal bars and waffles), ready-made sauces and/or pastries; snacks made from cereals (excluding cereal bars and waffles), biscuits, crackers, rusks, breadsticks, dry breads; pizza; calzones; panini sandwiches; stromboli; ravioli; tortellini; manicotti; pasta shells; lasagna

This amendment is filed with the written consent of the opposing party as evidenced by the attached signatures. A copy is being filed with the Trademark Examining Operation.

Dated: 11.29.2012

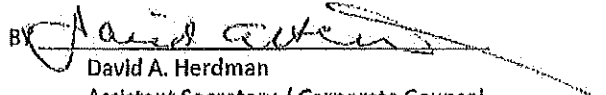
Barilla G.e.R. Fratelli - Societa per Azioni

By 
 Adam K. Sacharoff
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Opposer, Kellogg North America Company, consents to Applicant's amendment of the trademark NUTRIPLUS, Serial No.: 85/528,263 without prejudice.

Kellogg North America Company

Date Nov. 29, 2012

BY 

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PO Box 3599
Battle Creek, MI 49016

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 30, 2012, a true copy of the foregoing STIPULATION OF PARTIES has been served on the following Attorney of Record and Correspondent listed on the website of the United States Patent and Trademark Office by emailing said copy on November 27, 2012 (previous consent for email delivery having been granted) to:

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Signed: Patricia A. Connor

Name: Patricia A. Connor

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