

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513**

Mailed: September 26, 2001

Applicant: Spike's Holding, Inc.
Serial No.: 75979990
Filed: 10/30/1998
Mark:

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The request for an extension of time in which to oppose filed July 5, 2001 on behalf of Sara Lee Corporation is noted.

Due to an error by the Board the request granted September 25, 2001 is hereby vacated.

The record in the application file reveals that the mark was published for opposition purposes on October 26, 1999. Thus, the time for filing an opposition or request for extension of time expired November 11, 1999 (the last day available to file a request to extend time to oppose or a notice of opposition). Therefore, the request filed July 5, 2001 must be denied as untimely. See: Section 13 of the Act of 1946 and Trademark Rule 2.102(c), both as amended effective February 27, 1983.

Potential opposer is advised that the application matured into Registration No. 2,458,671 on June 5, 2001 and notice thereof appeared in the Official Gazette. Potential opposer's remedy lies in the filing of a petition for cancellation.