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



05-31-2002

U.S. Patent & TMOfo/TM Mail Rcpt. Dt. #40

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TRADEMARK TRIAL AND APPEAL BOARD

In Re Application For Trademark Registration
By:

VitaFree/ZX International Ltd.,
An Irish Corporation

Serial Number: 76/246,365

Filed: April 25, 2001

Trademark: METABO-EPHEDRA

Int'l Class No.: International Class 05

**STIPULATED FIFTH REQUEST FOR
EXTENSION OF TIME TO FILE
NOTICE OF OPPOSITION**

Stipulated Fifth Request For Extension of Time To File NOTICE OF OPPOSITION

To The Assistant Commissioner for Trademarks:

Pursuant to 37 C.F.R. 2.102, it is hereby requested that the time for filing a Notice of Opposition to the registration of the mark that is the subject of the above-referenced application, which was published for opposition in the December 4, 2001 issue of the Official Gazette, be extended for sixty (60) additional days, i.e., from June 1, 2002 through and including **July 31, 2002**. Applicant's outside counsel, Judith L. Meadow, Esq., stipulated and agreed to this sixty (60) day extension on behalf of Applicant in a telephone call on May 31, 2002 with Edwin C. Walton, Esq., outside counsel for potential Opposer. Good cause for this extension exists, because the potential Opposer requires additional time to investigate the Applicant's use of the mark and to consider if settlement is appropriate.

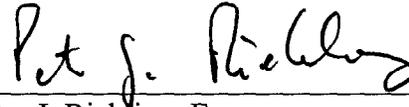
This request is submitted on behalf of Metabolife International, Inc. a corporation of the State of California, located at 5643 Copely Dr., San Diego, California 92111.

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TRADEMARK TRIAL AND APPEAL BOARD

This request is submitted in triplicate (original plus two copies) in compliance with 37 C.F.R 2.102(d).

Please direct all related communications to Peter J. Riebling, Esq.

Respectfully submitted,

A handwritten signature in cursive script that reads "Peter J. Riebling". The signature is written in black ink and is positioned above a horizontal line.

Peter J. Riebling, Esq.
ARTER & HADDEN LLP
1801 K Street, N.W.
Suite 400K
Washington, D.C. 20006
(202) 775-4457

Date: May 31, 2002

Counsel for Metabolife International Inc.

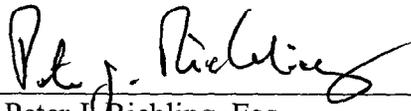
CERTIFICATE OF SERVICE

I, Peter J. Riebling, hereby certify that a copy of the foregoing STIPULATED FIFTH REQUEST FOR AN EXTENSION OF TIME TO FILE A NOTICE OF OPPOSITION has been served via U.S Mail, postage pre-paid, in envelopes addressed as follows:

JUDITH L. MEADOW, ESQ.
RUSS, AUGUST, KABAT & KENT
12424 WILSHIRE BLVD., SUITE 1200
LOS ANGELES, CA 90025
TELEPHONE: (310) 826-7474
FAX: (310) 826-6991

HOLLY J. BRYAN, ESQ.
7975 RAYTHEON RD STE 380
SAN DIEGO CA 92111-1624

Dated: May 31, 2002



Peter J. Riebling, Esq.

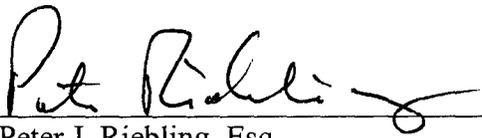
CERTIFICATE OF FILING

I, Peter J. Riebling, hereby certify that the foregoing STIPULATED FIFTH REQUEST FOR AN EXTENSION OF TIME TO FILE A NOTICE OF OPPOSITION and two copies have been hand delivered, in an envelope addressed as follows:

Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Attn: TTAB—NO FEE

Dated: May 31, 2002



Peter J. Riebling, Esq.