

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

**Mailed: November 21, 2002**

Applicant: Fresh Express Incorporated  
Serial No.: 76370772  
Filed: 02/13/2002  
Mark: SNACKERS

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Counsel for **The J. M. Smucker Company**, potential opposer herein, has on November 1, 2002, filed a request for a further 30-day extension of time in which to file an opposition to the above-identified application.

The additional extension of time requested on behalf of potential opposer, if granted, would result in total extensions of time aggregating 122-days from the date of publication of applicant's mark. Trademark Rule 2.102(c), as amended July 15, 1996, provides in part as follows:

. . . extensions of time to file an opposition aggregating more than 120 days from the date of publication of the application will not be granted except upon (1) a written consent or stipulation signed by the applicant or its authorized representative, or (2) a written request by the potential opposer or its authorized representative stating that the applicant or its authorized representative has consented to the request, or (3) a showing of extraordinary circumstances, it being considered that a potential opposer has an adequate alternative remedy by a petition for cancellation.

Inasmuch as the circumstances recited in the instant request are not deemed to be extraordinary in nature, and since there is no indication that applicant has consented thereto, the request is granted only to the extent that potential opposer is allowed until **11/27/02** in which to file an opposition to the registration sought by applicant.