

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Assistant Commissioner For Trademarks,  
BOX TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513 on this 27<sup>th</sup> day of November, 2002.

Denise Meyer

(Typed or Printed Name)

Denise M. Meyer  
Signature

11-29-2002  
U.S. Patent & TMO/TM Mail Rcpt Dt. #7

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

In Re Trademark Application of : FRESH EXPRESS  
Serial No. : 76/370,772  
Filed : February 13, 2002  
Mark : SNACKERS  
Published : July 30, 2002  
International Classes : 029  
Attorney Docket : 26416/04790

**REQUEST FOR FOURTH EXTENSION OF TIME TO FILE  
OPPOSITION PURSUANT TO 37 C.F.R. §2.102**

Assistant Commissioner For Trademarks  
BOX TTAB NO FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Madam:

At this time, The J. M. Smucker Company, an Ohio corporation with a place of business at Strawberry Lane, Orrville, Ohio 44667-0280 (the "Potential Opposer"), believes that it would be damaged by the registration of the above-identified mark. The Potential Opposer hereby requests that the time for filing an opposition against the above-identified application, now set to

expire on November 29, 2002, be extended for a period of thirty (30) days, to and including Monday, December 30, 2002.

This is Potential Opposer's fourth request for an extension of time with respect to the above-identified application. Counsel for Applicant has consented to this request. The additional time is necessary because Potential Opposer and Applicant are corresponding for the purpose of settling this matter. This request is not submitted for the purpose of mere delay, and Potential Opposer avers that this fourth request for extension of time sets forth good cause for such fourth extension.

This request is submitted in triplicate in accordance with 37 C.F.R. §2.102(d).

Respectfully submitted,

Date: November 27, 2002



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Kristin J. Frost  
**CALFEE, HALTER & GRISWOLD LLP**  
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800 Superior Avenue  
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(216) 622-8895

Counsel for Potential Opposer

TTAB



**CALFEE, HALTER & GRISWOLD LLP**

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November 27, 2002

11-29-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #7

Assistant Commissioner for Trademarks  
BOX TTAB NO FEE  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Trademark Application of FRESH EXPRESS  
Mark: **SNACKERS**  
Serial No.: 76/370,772  
Filed: February 13, 2002  
Our File No.: 26416/04790

Dear Sir or Madam:

Enclosed please find the following documents:

1. Request for Fourth Extension of Time to Oppose Pursuant to 37 C.F.R. § 201.41 (2 pgs, in triplicate);
2. Original and one (1) copy of this Transmittal Letter (1 pg); and
3. Return Receipt Postcard.

TRADEMARK TRIAL AND APPEAL BOARD  
02 DEC - 9 AM 5:41

We believe there are no fees required for this filing. If this is not the case, please charge any fees or credit any overpayment to our Deposit Account No. 03-0172. A duplicate of this letter is enclosed for accounting purposes.

Very truly yours,

Kristin J. Frost

KJF/dmm  
Enclosures

DD