

TTAB

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

In re the matter of:

Applicant: Colonial Kettle Corn, LLC/ Daniel M. Mleziva

Serial No.: 78/053,176

Filing Date: March 14, 2001

Published: August 27, 2002

Mark: **COLONIAL KETTLE CORN (for "retail services featuring
popped kettle corn")**

05-22-2003
U.S. Patent & TMOfe/TM Mail Rcpt Dt. #22

03 JUN - 7 AM 9:30

**FOURTH REQUEST UNDER RULE 2.102 TO EXTEND TIME
FOR FILING OPPOSITION WITH CONSENT OF APPLICANT**

Potential Opposer, Kettle Foods, Inc., an Oregon corporation having its principal place of business at 3125 Kettle Court SE, Salem, Oregon 97301, respectfully requests through its undersigned officer who is authorized to represent Potential Opposer that an extension of time be granted for filing an opposition to the above-identified application that was published in the *Official Gazette* on August 27, 2002.

Extension Requests for Time to File Notice of Opposition Under Rule 2.012 were filed as follows: On September 10, 2002 a First Request for Extension; December 19, 2002 the Second Request; and on March 25, 2003 the Third Extension Request.

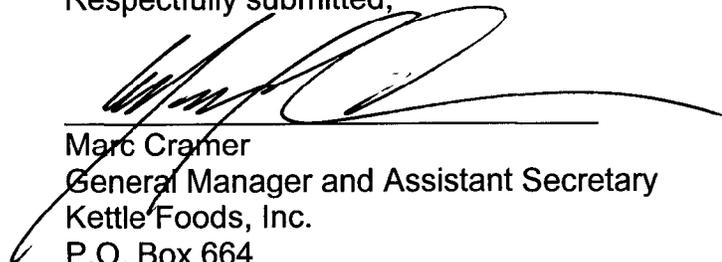
Potential Opposer requests that the period of time for filing an opposition to such application be extended an additional thirty (30) days to and including June 23, 2003. Applicant consents to this request to extend time for filing an opposition. The extension is necessary for Applicant to communicate with the assigned examining attorney, and

for Applicant and Potential Opposer to discuss issues concerning the resolution of this matter and possible settlement. This request for extension of time is not made for purposes of delay but to allow additional time to consider the issues involved. If an amicable resolution can be achieved, then both the resources of the Board and the parties will be spared. The Potential Opposer respectfully requests that this extension be granted for the good cause shown herein and that the time for filing an opposition be extended to June 23, 2003.

This request is made in triplicate (original plus two copies), as required by 37 CFR §2.102(d).

Dated: May 22, 2003

Respectfully submitted,



Marc Cramer
General Manager and Assistant Secretary
Kettle Foods, Inc.
P.O. Box 664
Salem, Oregon 97308
(503) 364-0399

Express Mail No. EU 393052712 US

PROOF OF SERVICE

I hereby certify that I served the foregoing **FOURTH REQUEST UNDER RULE 2.102 TO EXTEND TIME FOR FILING OPPOSITION WITH CONSENT OF APPLICANT** on the following named person on the date indicated below by mailing with postage prepaid to said person a true copy thereof, contained in a sealed envelope, addressed to said person at their last-known address indicated below.

Troy Payne for
Colonial Kettle Korn
P.O. Box 279
Catharpin, Virginia 20143

DATED: May 22, 2003



Marc Cramer
General Manager and Assistant Secretary
Kettle Foods, Inc.
P.O. Box 664
Salem, Oregon 97308
(503) 364-0399

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

[XX] Express Mail Mailing Label No.: EU 393052712 US
Date of Deposit: May 22, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Box TTAB NO FEE Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

A handwritten signature in black ink, appearing to read "D. Trant", is written over a solid horizontal line.

DEBORAH TRANT