

*Chron*

09/17/2003 11:45



Phone 269-961-2173 Fax 269-565-1242

September 15, 2003

To: Ms. Kimberly Linton  
United States Patent & Trademark Office  
Trademark Trial and Appeal Board

Re: Extension of Time for Serial No. 78/140615 (CHOCO COCO)

Dear Ms. Linton,

Attached for your review is the extension of request for the above-cited matter filed on August 21, 2003. Should you have any questions related to this matter, please do not hesitate to contact me.

Sincerely,

John W. Marsh, Jr.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS CONFIDENTIAL AND ONLY FOR THE INTENDED RECIPIENT IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR USE OF THIS COMMUNICATION IS UNLAWFUL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (TOLL FREE 800-535-5644). RETURN THE ORIGINAL MESSAGE TO US, AND RETAIN NO COPY.

TO REPLY BY FACSIMILE

KELLOGG COMPANY LEGAL DEPARTMENT (269) 961-3276

If transmittal message is not clear, please call Anita Clifford at 269-961 6553. Thank you!

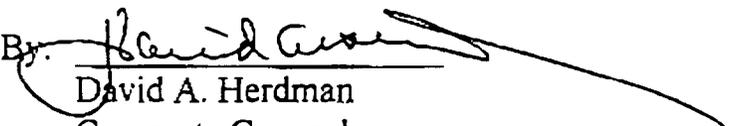
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The reason for this request is that additional time is required to further investigate this matter and to discuss it with our brand management. Because of additional conflicting demands of U.S. and international litigation and summer vacation schedules, it is anticipated that in-house counsel and management will need additional time to discuss the disposition of this case. For this reason, we request the additional extension of time to prepare the necessary papers and to secure their execution by the Petitioner, if we deem it appropriate.

The request is not made for the purposes of unduly delaying proceedings in the Patent and Trademark Office.

This request is made in triplicate.

Respectfully submitted,  
KELLOGG COMPANY

By:   
David A. Herdman  
Corporate Counsel

**Date: August 21, 2003**  
One Kellogg Square  
P. O. Box 3599  
Battle Creek, Michigan 49016-3599  
Telephone: 616 961-2173

TM 102

OFFICIAL GAZETTE

JULY 22, 2003

**CLASS 42—SCIENTIFIC, COMPUTER AND LEGAL SERVICES**

FOR PROVIDING TEMPORARY USE OF ON-LINE NON-DOWNLOADABLE COMPUTER SOFTWARE THAT ENABLES USERS TO PERFORM MANAGEMENT FUNCTIONS IN THE CONTEXT OF IMAGINARY FACT PATTERNS IN THE FIELD OF BUSINESS EDUCATION (U.S. CLS. 100 AND 101).

**CLASS 42—SCIENTIFIC, COMPUTER AND LEGAL SERVICES**

FOR COMPUTER CONSULTATION SERVICES IN THE FIELDS OF ASSESSING TECHNOLOGY RISKS AND COMPUTER SYSTEMS AND NETWORK INTEGRATION (U.S. CLS. 100 AND 101).

FIRST USE 6-4-2002; IN COMMERCE 6-4-2002.

SN 78-140,615, PRODUCTOS ALIMENTICIOS BOCADELI, S.A. DE C.V., SOYAPANGO, EL SALVADOR, FILED 7-2-2002.

SN 78-141,114, PROTIVITI INC., MENLO PARK, CA, FILED 7-3-2002.

**CHOCO COCO**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COCO", APART FROM THE MARK AS SHOWN.

**CLASS 29—MEATS AND PROCESSED FOODS**

FOR MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS; PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES; JELLIES, JAMS, FRUIT SAUCES; EGGS, MILK; EDIBLE OILS AND FATS (U.S. CL. 46).

**CLASS 30—STAPLE FOODS**

FOR COFFEE, TEA, COCOA, SUGAR, RICE, TAPIO-CA, SAGO, GRAIN BASED COFFEE SUBSTITUTES, FLOUR AND PREPARATIONS MADE FROM CEREALS, BREAD, PASTRY AND CANDY; FLAVORED ICES; HONEY; TREACLE; YEAST; BAKING POWDER; SALT; VINEGAR; CONDIMENTS SAUCES, NAMELY, MUSTARD AND MAYONNAISE; SPICES; ICE (U.S. CL. 46).

**CLASS 35—ADVERTISING AND BUSINESS**

FOR BUSINESS CONSULTATION SERVICES IN THE FIELDS OF BUSINESS OPERATIONS AND MANAGE-MENT, INFORMATION TECHNOLOGY, OUTSOUR-CING, FINANCIAL MANAGEMENT AND INTERNAL AUDITING (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-4-2002; IN COMMERCE 6-4-2002.

**CLASS 36—INSURANCE AND FINANCIAL**

FOR FINANCIAL ANALYSIS AND CONSULTATION IN ASSESSING OPERATIONAL, INDUSTRY, REGULA-TORY FINANCIAL AND COMMODITY RISKS (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-4-2002; IN COMMERCE 6-4-2002.

**CLASS 42—SCIENTIFIC, COMPUTER AND LEGAL SERVICES**

FOR COMPUTER CONSULTATION SERVICES IN THE FIELDS OF ASSESSING TECHNOLOGY RISKS AND COMPUTER SYSTEMS AND NETWORK INTEGRATION (U.S. CLS. 100 AND 101).

FIRST USE 6-4-2002; IN COMMERCE 6-4-2002.

SN 78-141,104, PROTIVITI INC., MENLO PARK, CA, FILED 7-3-2002.

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Independent Risk Consulting

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INDEPENDENT RISK CONSULTING", APART FROM THE MARK AS SHOWN.

**CLASS 35—ADVERTISING AND BUSINESS**

FOR BUSINESS CONSULTATION SERVICES IN THE FIELDS OF BUSINESS OPERATIONS AND MANAGE-MENT, INFORMATION TECHNOLOGY, OUTSOUR-CING, FINANCIAL MANAGEMENT AND INTERNAL AUDITING (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-4-2002; IN COMMERCE 6-4-2002.

**CLASS 36—INSURANCE AND FINANCIAL**

FOR FINANCIAL ANALYSIS AND CONSULTATION IN ASSESSING OPERATIONAL, INDUSTRY, REGULA-TORY FINANCIAL AND COMMODITY RISKS (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-4-2002; IN COMMERCE 6-4-2002.

SN 78-142,593, BELLSOUTH INTELLECTUAL PROPERTY CORPORATION, WILMINGTON, DE, FILED 7-10-2002.

**THE CUSTOMER RULES!**

**CLASS 37—CONSTRUCTION AND REPAIR**

FOR INSTALLING AND MAINTAINING TELECOM-MUNICATIONS SYSTEMS AND EQUIPMENT FOR OTHERS (U.S. CLS. 100, 103 AND 106).

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