

ESTTA Tracking number: **ESTTA49150**

Filing date: **10/18/2005**

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

<b>Proceeding</b>	91166451
<b>Party</b>	Defendant Nutri/System IPHC, Inc. Nutri/System IPHC, Inc. Suite 1704 300 Delaware Avenue Wilmington, DE 19801
<b>Correspondence Address</b>	Timothy J. Szuhaj Spector Gadon & Rosen, P.C. Building 1, Suite 203 ,1000 Lenola Road Maple Shade, NJ 08052
<b>Submission</b>	Stipulated/Consent Motion to Reopen
<b>Filer's Name</b>	Timothy J. Szuhaj
<b>Filer's e-mail</b>	tszuhaj@lawsgr.com
<b>Signature</b>	/Timothy J. Szuhaj/
<b>Date</b>	10/18/2005
<b>Attachments</b>	MTN TO REOPEN.pdf ( 2 pages )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICEBEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 78/975262

YOPLAIT MARQUES	)	
INTERNATIONALES	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91166451
	)	
NUTRI/SYSTEM IPHC, INC.,	)	
	)	
Applicant.	)	

**Motion Upon Consent to Reopen and Extend an Expired Time Period in which to  
file an Answer to Notice of Opposition**

Nutri/System IPHC, Inc., a Delaware corporation having its principal place of business at 300 Delaware Avenue, Suite 1704, Wilmington, DE by its attorney, Timothy J. Szuhaj, of Spector Gadon & Rosen, P.C. hereby respectfully moves to reopen the time period to file an Answer to the subject Notice of Opposition referenced above and extend the same until to November 12, 2005.

The Answer was due on October 12, 2005; however, Applicant and Opposer desire the extension of time to continue to discuss the possibility of entering into a settlement agreement resolving the Notice of Opposition. Moreover, Leslie A. Bertagnoli, counsel for Opposer, has consented to both reopening the time to file an Answer and to extending the same until November 12, 2005. The proposed new due date set forth herein is prior to the close of the discovery period, March 21, 2006. Accordingly, Applicant respectfully requests that its motion to reopen and extend the time to answer the above Notice of Opposition be granted.

Respectfully submitted,

SPECTOR GADON & ROSEN, P.C.

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/Timothy J. Szuhaj/  
Timothy J. Szuhaj  
Attorney for Applicant

Dated: October 18, 2005

**CERTIFICATE OF SERVICE**

It is hereby certified that the undersigned has this day served a true and correct copy of the foregoing Motion Upon Consent for an Extension of Time in which to file an Answer to Notice of Opposition by regular mail to:

Leslie Bertagnolli, Esquire  
BAKER & MCKENZIE LLP  
130 E. Randolph Drive  
Suite 3500  
One Prudential Plaza  
Chicago, IL 60601

\_/Timothy J. Szuhaj/\_\_\_\_\_  
Timothy J. Szuhaj  
Attorney for Applicant

Dated: October 18, 2005