

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



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*Jaelyn Brody* 4/3/03  
Jaelyn Brody Date

Hikari Sales USA, Inc.,  
Petitioner,  
v.  
Ralston Purina Company Corporation,  
Registrant.

Cancellation No. 92041681  
For the Mark: FIRST-BITE

**Motion on Consent To Extend Registrant's Time to Answer**

Pursuant to TBMP §§ 316.03 and 509, Registrant Nestle Purina PetCare Company, formerly known as Ralston Purina Company Corporation, hereby requests that the Board grant it a 30 day extension to file an answer to the Petition to Cancel. The grant of this motion would extend the time to answer from April 13, 2003 to and including May 13, 2003.

Please note that Ralston Purina Company changed its name to Nestle Purina PetCare Company in December 2001. A copy of the Certificate of Merger evidencing the name change is attached hereto.

Good cause exists in that the parties are attempting to negotiate a settlement to this proceeding. This motion is made in good faith and without any intent to cause delay or prejudice.

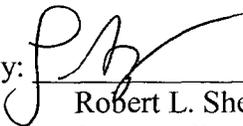
Petitioner's correspondent, Christopher K. Clevers, consented to this extension via telephone on April 2, 2003.

Two copies of this request are submitted along with the original.

Dated: April 3, 2003

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY  
& WALKER LLP

By:   
Robert L. Sherman  
Jennifer Shmulewitz  
Attorneys for Registrant  
75 E. 55th Street  
New York, New York 10022  
212-318-6000

# STATE OF MISSOURI



**Matt Blunt**  
**Secretary of State**  
CORPORATION DIVISION

CORRECTED

CERTIFICATE OF MERGER  
MISSOURI CORPORATION SURVIVING

WHEREAS, Articles of Merger of the following corporations:  
**NEWCO MERGER COMPANY (#00491844)**

INTO:

**RALSTON PURINA COMPANY (#00007498)**

Organized and Existing Under Law of MISSOURI  
have been received, found to conform to law, and filed.

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of Missouri,  
issue this Certificate of Merger, certifying that the merger of  
the aforementioned corporation is effected, with

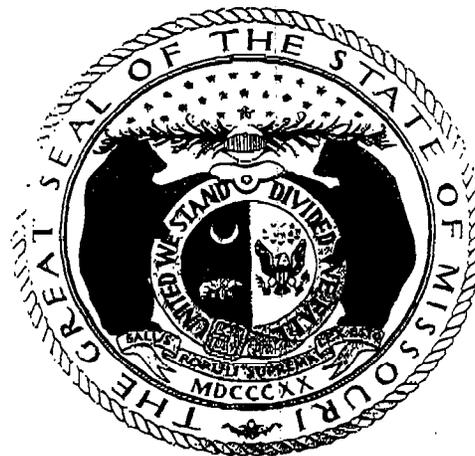
**RALSTON PURINA COMPANY (#00007498)**

as the surviving corporation.

NAME SUBSEQUENTLY CHANGED TO: **NESTLE PURINA PETCARE COMPANY**

IN TESTIMONY WHEREOF, I HAVE SET MY  
HAND AND IMPRINTED THE GREAT SEAL OF  
THE STATE OF MISSOURI, ON THIS, THE  
12<sup>TH</sup> day of DECEMBER, 2001

  
Secretary of State



\$30.00

### Certificate Of Service

I hereby certify that the foregoing Motion on Consent to Extend Registrant's Time to Answer was served on this 3rd day of April 2003 by delivering a true and correct copy of same by first class mail to:

Christopher K. Clevers  
Hikari Sales USA, Inc.  
2804 McCone Avenue  
Hayward, CA 94545



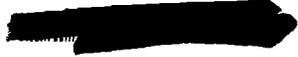
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Jennifer Shmulewitz

TTAB

Paul, Hastings, Janofsky & Walker LLP  
75 East 55th Street, New York, New York 10022-3205  
telephone 212-318-6000 / facsimile 212-319-4090 / internet www.paulhastings.com

PaulHastings



04-03-2003

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April 3, 2003

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2900 Crystal Drive  
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Re: Cancellation No. 92041681

Dear Sir/Madam:

Transmitted herewith is a Motion On Consent To Extend Registrant's Time To Answer in the above-referenced proceeding.

Very truly yours,

Jennifer Shmulewitz  
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

Enclosures

cc: Christopher K. Clevers, Esq.  
Bonnie Sparks, Esq.  
Robert L. Sherman, Esq.