M&G 12683.3-US-01

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

In the Matter of:

Application Serial No.:	76/267,075
Applicant:	Freeman Health System
Trademark:	NUTRICITY
Official Gazette:	December 11, 2001
Filing Date:	June 5, 2001

TRADEMARK TRIAL AND APPEAL BOARD
02 SEP -2 AM 12:07

STIPULATED REQUEST FOR A FURTHER 30-DAY EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION

To the Commissioner for Trademarks
ATTN: BOX TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Commissioner:

On behalf of Sports Nutrition Warehouse, Inc., it is respectfully requested that a thirty (30)-day extension of time, up to and including October 7, 2002, be granted within which to oppose the above-identified application.

GOOD CAUSE:

The parties have continued to correspond with respect to the potential of settlement, and Applicant is currently reviewing with its counsel a proposed settlement forwarded by potential Opposer and needs additional time to review the proposed settlement. Applicant's counsel, Richard R. Johnson, indicated that a counter proposal will be forwarded in the near future, and consented to this Request for Extension of Time by telephone conference of August 26, 2002 to permit the parties adequate time to continue negotiation of settlement.

Accordingly, this request for extension is made with the consent of the Applicant and is not being made for the purpose of mere delay of the proceedings, and favorable consideration of this request is respectfully requested.

By its Attorneys,

Date: 8/26/02

John L. Beard
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
27,612

CERTIFICATE OF MAILING

I hereby certify that this STIPULATED REQUEST FOR A FURTHER 30-DAY EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION regarding Application Serial No. 76/267,075, filed June 5, 2001 is being deposited with the United States Postal Service, 1st Class Mail, in an envelope addressed to Commissioner for Trademarks, Attn: T.T.A.B., 2900 Crystal Drive, Arlington, VA 22202-3513 on this 26 day of August, 2002.

Melissa Nelson
Melissa Nelson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing STIPULATED REQUEST FOR FURTHER 30-DAY EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION was served, via first-class mail, postage prepaid to Richard R. Johnson, Shook, Hardy & Bacon L.L.P, One Kansas City Place, 1200 Main Street, Kansas City, MO 64105-2118 this 26 day of August 2002.

Melissa Nelson
Melissa Nelson

TTAB

P.O. Box 2910
Minneapolis, Minnesota
[redacted]

Merchant & Gould

An Intellectual Property Law Firm

08-29-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #26

Direct Contact | 612.371.5236
jbeard@merchant-gould.com

A Professional Corporation

Sports Nutrition Warehouse, Inc., Opposer,	)	
v.	)	Opposition No. _____
Freeman Health System Applicant.	)	

Mark: NUTRICITY
Serial No.: 76/267,075
Docket Number: 12683.3US01
Official Gazette: December 11, 2001

Due Date: September 7, 2002
Filing Date: June 5, 2001

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513, on August 26, 2002.

By: Melissa Nelson
Name: Melissa Nelson

Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Commissioner:

We are transmitting herewith the attached:

☒ Return postcard.
☒ Transmittal Sheet in duplicate containing Certificate Under 37 C.F.R. 1.8
☒ 30-Day Request for Extension of Time for Filing Notice of Opposition (Original and 2 Copies).

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By: _____
Name: John L. Beard
Reg. No.: 27,612
JLBeard/mln

(CONTESTED MATTER)