01-14-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #26

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

REQUEST FOR A 60-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 sixty (60)-day extension of time, up to and including March 11, 2002, be granted within which to oppose the above-identified application.

GOOD CAUSE:

Publication of the subject application was only recently observed by the undersigned trademark counsel for the prospective opposer and there has not been sufficient time to complete an investigation, review the application file, meet with management for the prospective opposer and otherwise obtain the information necessary to determine whether to oppose, and if so, to prepare a Notice of Opposition.

This request for extension is not being made for the purpose of mere delay of the proceedings, and favorable consideration of the request is submitted.

By its Attorneys,

Date: 1/9/02

John L. Beard
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
(612) 332-5300

CERTIFICATE OF MAILING

I hereby certify that this REQUEST FOR A 60-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 9th day of January, 2002.

Cheryl N. Arkin

TTAB

P.O. Box 2910
Minneapolis, MN

Merchant & Gould

An Intellectual Property Law Firm

01-14-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #26

Direct Contact

A Professional Corporation

Sports Nutrition Warehouse, Inc.
Potential Opposer

v.

Freeman Health System
Applicant

Opposition No. _____

Mark: NUTRICITY
Serial No.: 76/267,075
Docket Number: 12683.3-US-01
Official Gazette: December 11, 2001

Due Date: January 10, 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 January 9, 2002.

By: Cheryl N. Arkin
Name: Cheryl N. Arkin

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
☒ 60-Day Request for Extension of Time forFiling a 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
JBeard/cna

(CONTESTED MATTER)

K