



IN THE UNITED STATES PATENT  
TRADEMARK OFFICE

**SERVICE MARK**

TRADEMARK TRIAL AND APPEAL BOARD

Trademark Application Serial No.	:	76/423,780
Filed	:	June 20, 2002
Published	:	December 10, 2002
Applicant	:	Cold Cream, LLC
Mark	:	<b>COLD CREAM ICE CREAM COFFEE SWEETS ATLANTA, GA and Design</b>
International Class	:	43
Services	:	Snack bars featuring ice cream, pastries, coffee and other beverages

**FOURTH REQUEST FOR EXTENSION OF TIME TO  
FILE A NOTICE OF OPPOSITION, WITH  
CONSENT OF APPLICANT**

Commissioner for Trademarks  
Box TTAB NO FEE  
2900 Crystal Drive  
Arlington, VA 22202-3514

Pursuant to 15 U.S.C. §1063 (Lanham Act §13) and 37 C.F.R. §2.102, request is hereby made for a further sixty (60) day extension of the time within which a Notice of Opposition may be filed with respect to the above-identified application. This request is made on behalf of the Potential Opposer:

Cold Stone Creamery, Inc.  
16101 North 82nd Street, Suite A-4  
Scottsdale, Arizona 85260

The time within which a Notice of Opposition must be filed now expires on May 9, 2003. Upon the granting of this request, the time within which the Potential Opposer may file a Notice of Opposition would be extended to and including July 8, 2003.

Potential Opposer has moved forward with settlement negotiations with the Applicant, and the requested sixty-day period is believed to be necessary to enable the parties to complete execution of the settlement agreement and to carry out its terms.

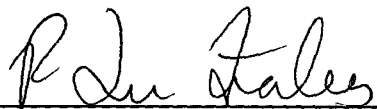
In e-mail communications with the undersigned on May 5, 2003, Applicant's counsel David M. Lilenfeld consented to this Fourth Request for Extension of Time to File a Notice of Opposition and the requested 60-day time period. A copy of this Request is being served on Applicant via first class mail today as evidenced by the Certificate of Service forming a part hereof.

It is believed that the above statement is good cause within the meaning of Section 13 of the Trademark Act of 1946 giving the Commissioner discretion to grant the requested extension. In addition, inasmuch as a further extension of time as requested herein would aggregate more than 120 days from the date of publication of the subject application, it is believed that Potential Opposer has complied with all requirements set out in 37 C.F.R. §2.102(c)(2).

The foregoing request is made in good faith and not for the purposes of delay, and is being submitted in triplicate in accordance with 37 C.F.R. §2.102(d).

Respectfully submitted,

Dated: May 7, 2003

By   
R. Lee Fraley

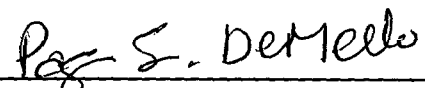
SNELL & WILMER L.L.P.  
One Arizona Center  
400 East Van Buren  
Phoenix, Arizona 85004-2202  
(602) 382-6250

Attorneys for Potential Opposer

### CERTIFICATE OF MAILING

I hereby certify that this Fourth Request for Extension of Time to File a Notice of Opposition, with Consent of Applicant, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first-class mail in a postage-prepaid envelope addressed to: Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3514, on:

Date: May 7, 2003

By 

**CERTIFICATE OF SERVICE**

I hereby certify that on the date given below, a true and correct copy of this Fourth Request for Extension of Time to File a Notice of Opposition, with Consent of Applicant, was deposited in the United States mail, first-class postage prepaid, to the party shown below, at the address indicated:

David M. Lilenfeld, Esq.  
Stokes Lazarus & Carmichael LLC  
80 Peachtree Park Drive, N.E.  
Atlanta, Georgia 30309-1320

Date: May 7, 2003

By Paige DeMello