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37 C.F.R. 1.8

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1/26/04  
Date

  
Signature

**TRADEMARK**

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

In the matter of Application Serial No.: 76/425,727  
by PROVANTAGE SOFTWARE, INC.  
for the Mark: **WELLSPRING**  
Filed: June 28, 2002



01-29-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Published in the Official Gazette  
on September 30, 2003

WHOLE FOODS MARKET IP, L.P.,

Opposer,

v.

PROVANTAGE SOFTWARE, INC.,

Applicant.

Opposition No. \_\_\_\_\_

**CONSENTED REQUEST FOR EXTENSION OF TIME  
TO FILE NOTICE OF OPPOSITION**

**BOX TTAB**

**NO FEE**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

Madam:

Opposer, Whole Foods Market IP, L.P., a partnership organized under the laws of the State of Delaware, having a business address of 601 N. Lamar Boulevard, Suite 300, Austin, Texas 78703, by and through its attorneys, hereby requests that the Board grant a thirty-day (30)

extension of time to file a Notice of Opposition in the above-identified matter, up to and including February 27, 2004.

Counsel for the applicant, Jennifer Scully, agreed to this requested extension of time in a telephone conversation held with Christopher L. Graff, counsel for Opposer. The parties are discussing a proposed settlement that would avoid the necessity of an opposition proceeding.

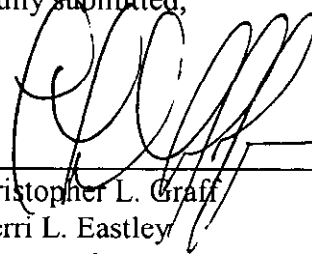
No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. § 2.6 be deemed necessary for any reason relating to this application, the Commissioner for Trademarks is hereby authorized to deduct said fee from Thompson & Knight Deposit Account No. 20-0821/503320.000221.

Please date stamp and return the enclosed postcard to acknowledge receipt of this material.

This Request is being submitted in triplicate as required by 37 C.F.R. § 2.102(d).

Respectfully submitted,

By: \_\_\_\_\_

  
Christopher L. Graff  
Sherri L. Eastley  
Attorneys for Opposer

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Dated: 1/26/04