

ESTTA Tracking number: **ESTTA23819**

Filing date: **01/19/2005**

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

Applicant: **PepsiCo, Inc.**  
Application Serial Number: **76565652**  
Application Filing Date: **12/08/2003**  
Mark: **SMART MIX VARIETY SACK**  
Date of Publication **09/21/2004**

**60 Day Request for Extension of Time to Oppose Upon Consent**

Pursuant to 37 C.F.R. Section 2.102, David Herdman, Kellogg North America Company, One Kellogg Square, Battle Creek, MI49016, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark with applicant's consent.

The party filing this request is related to the party filing the previous request as follows:  
Same company.

The time within which to file a notice of opposition is set to expire on 01/19/2005. David Herdman, Kellogg North America Company respectfully requests that the time period within which to file an opposition be extended until 03/20/2005.

Respectfully submitted,  
/David Herdman/  
01/19/2005

**David Herdman**  
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