

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

David A. Herdman  
KELLOGG NORTH AMERICA COMPANY  
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Battle Creek, MI 49016

**Mailed: September 17, 2008**

**Serial No.: 77364113**  
**ESTTA TRACKING NO: ESTTA237264**

The request to extend time to oppose is granted until **12/17/2008** on behalf of potential opposer **KELLOGG NORTH AMERICA COMPANY**

Please do not hesitate to contact the Trademark Trial and Appeal Board at (571)272-8500 if you have any questions relating to this extension.

#### **New Developments at the Trademark Trial and Appeal Board**

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, petition for cancellation, notice of ex parte appeal, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

#### **TRADEMARK TRIAL AND APPEAL BOARD RULE CHANGES**

The USPTO has issued new rules pertaining to TTAB proceedings. Parties are urged to familiarize themselves with the new rules.

Among other changes, for any notice of opposition filed on or after November 1, 2007, the new rules require an opposer to provide proof of service of the notice of opposition upon the applicant at the time the notice of opposition is filed. Trademark Rule 2.101. (Parallel amendments to Trademark Rule 2.111 require a petitioner to include proof of service of the petition for cancellation.) Service may

be made by any of the means set out in Trademark Rule 2.119(b). A certificate of service is adequate proof of service; service by a process server is not necessary. A notice of opposition (or petition for cancellation) filed without a certificate of service will not be instituted.

The notice of final rulemaking and a chart summarizing the changes contained in the notice are available for viewing on the TTAB web page:

[www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf)

[www.uspto.gov/web/offices/com/sol/notices/72fr42242\\_FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf)