



09-06-2002

U.S. Patent & TMOfc/TM Mail RcptDt. #61

TTAB

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on the date below:

9/3/02

Date

Signature

TRADEMARK

TRADEMARK TRIAL AND APPEAL BOARD  
09 SEP 11 PM 9:14

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

In the matter of Application Serial No.: 78/056,816  
by Healthway Natural Foods, Inc. for the Mark: **WELLSPRING**  
Filed: April 4, 2001

Published in the Official Gazette  
at TM 271 on May 7, 2002

WHOLE FOODS MARKET IP, L.P.,  
Opposer,  
v.

HEALTHWAY NATURAL FOODS, INC.,  
Applicant.

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

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

**BOX TTAB -- NO FEE**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Madam:

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, and whose general partner is WFM IP MANAGEMENT, INC., a Delaware corporation, by and through its attorneys hereby requests that the Board grant a further thirty-day (30)

extension of time, to October 4, 2002, to file a Notice of Opposition in the above-identified matter. The requested extensions of time do exceed 120 days from the date of publication, however, the consent of Applicant's representative has been obtained, as required by 37 C.F.R. § 2.102.

Counsel for potential Opposer has contacted Applicant's counsel regarding possible settlement of this matter. The extension is requested to allow the parties to determine if settlement can be achieved without an opposition proceeding before the Board.


The undersigned, as attorney for potential Opposer, and Stephen Rubin, Applicant's attorney, have been in communication, and Stephen Rubin has consented to the requested extension in a telephone conference on September 3, 2002.

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

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. 20-0821/503320.000169.

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

Respectfully submitted,

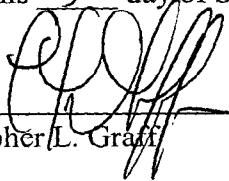
By:   
\_\_\_\_\_  
Christopher L. Graff  
Attorney for Opposer

THOMPSON & KNIGHT L.L.P.  
1200 San Jacinto Center  
98 San Jacinto Boulevard  
Austin, Texas 78701-4081  
(512) 469-6100

Dated: 9-3-02

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing AGREED REQUEST FOR EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION has been served on Applicant's attorney Stephen Rubin, P.O. Box 381, Waterford, Virginia 20197-0381, by depositing a copy of the same in the United States Mail, postage prepaid, on this 3<sup>rd</sup> day of September, 2002.

  
\_\_\_\_\_  
Christopher L. Graff