

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

Applicant: Tropicana Products, Inc.
Bradenton, Florida

Serial No.: 78-617,273

Filed: April 26, 2005 (Principal Register)

International Classes: 029 and 032

Published: November 29, 2005 (Page TM 200)

Mark: "TROPICANA VEGGIE WISE"

Certificate of Mailing Under 37 C.F.R. § 2.197

I hereby certify that this COMMUNICATION REGARDING FIRST REQUEST FOR EXTENSION OF TIME TO FILE A NOTICE OF OPPOSITION is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on this 13th day of February, 2006.

February 13, 2006
Date

Georgia Peters
Georgia Peters

CERTIFICATE OF SERVICE

I hereby certify that this COMMUNICATION REGARDING FIRST REQUEST FOR EXTENSION OF TIME TO FILE A NOTICE OF OPPOSITION is being served upon the attorney for Applicant, Tropicana Food Products, Inc., by first class mail, on February 13, 2006, at the address listed below:

Janet Lynn Silverberg, Esquire
Quaker Foods & Beverages
(Division of PepsiCo, Inc.)
555 West Monroe
Chicago, Illinois 60661

Attorney's Name: John S. Child, Jr.

Signature: John S. Child, Jr.

Signature Date: February 13, 2006



Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Madam:

**COMMUNICATION REGARDING
FIRST REQUEST FOR EXTENSION OF TIME
TO FILE A NOTICE OF OPPOSITION**

Fruitwise Pty Ltd, an Australian corporation, doing business at Building 5B, 1 Main Road, Lobethal, South Australia 5241, Australia, respectfully submits this communication to resolve an ambiguity in the First Request for Extension of Time filed December 28, 2005.

Fruitwise Pty Ltd stated in its First Request for Extension of Time that the request was for a 90-day extension of time from the date of publication of the mark in the Official Gazette. However, the period requested was until March 29, 2006, which is, in fact, a 120-day extension of time from the Publication Date.

To rectify the ambiguity, Potential Opposer Fruit Wise Pty Ltd files this Communication Regarding Request for Extension of Time to perfect the Request for Extension of Time for the 120-day period from the date of publication of the mark, until March 29, 2006. As set forth below, Potential Opposer has received the authorization of Applicant for a 30-day extension of the period. Accordingly, there is agreement between Potential Opposer and Applicant for an extension request that will cover the final 30 days of the 120-day extension period.

Application Serial No. 78-617,273 contains the following recitations of services in International Classes 029 and 032:

CLASS 029— MEATS AND PROCESSED FOODS
FOR VEGETABLE-BASED SNACKS (U.S. CL. 46).

CLASS 032— LIGHT BEVERAGES
FOR VEGETABLE-BASED JUICES
(U.S. CLS. 45, 46 AND 48).

This request is not being made for purposes of delay. The extension is necessary in order for Potential Opposer and Applicant to investigate this matter.

In a letter dated February 8, 2006, the undersigned attorney for Potential Opposer Fruit Wise Pty Ltd requested that Janet Lynn Silverberg, Esquire, of Quaker Foods & Beverages (Division of Pepsico, Inc.), attorney for Applicant Tropicana Products, authorize a request for an additional 30-day extension of time. Ms. Silverberg consented to the request in an email communication dated February 9, 2006.

Respectfully submitted,

DANN DORFMAN HERRELL AND SKILLMAN
A Professional Corporation
Attorney for Fruit Wise Pty Ltd



John S. Child, Jr.

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