

ESTTA Tracking number: **ESTTA81337**

Filing date: **05/18/2006**

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

Applicant:	<b>NutriSystem IPHC, Inc.</b>
Application Serial Number:	<b>78690201</b>
Application Filing Date:	<b>08/10/2005</b>
Mark:	<b>NUTRIPEPTIDE</b>
Date of Publication	<b>04/18/2006</b>

## **First 90 Day Request for Extension of Time to Oppose for Good Cause**

Pursuant to 37 C.F.R. Section 2.102, KELLOGG NORTH AMERICA COMPANY, One Kellogg Square PO Box 3599, Battle Creek, MI 49016, UNITED STATES, a corporation organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- The potential opposer needs additional time to confer with counsel

The time within which to file a notice of opposition is set to expire on 05/18/2006. KELLOGG NORTH AMERICA COMPANY respectfully requests that the time period within which to file an opposition be extended until 08/16/2006.

Respectfully submitted,  
/David A. Herdman/  
05/18/2006

**David A. Herdman**  
**Assistant Secretary/Corporate Counsel**  
**KELLOGG NORTH AMERICA COMPANY**  
**One Kellogg Square PO Box 3599**  
**Battle Creek, MI 49016**  
**UNITED STATES**  
**trademarks@kellogg.com**  
**269-961-2170**