

ESTTA Tracking number: **ESTTA94622**

Filing date: **08/15/2006**

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>

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

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 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 time within which to file a notice of opposition is set to expire on 08/16/2006. KELLOGG NORTH AMERICA COMPANY respectfully requests that the time period within which to file an opposition be extended until 10/15/2006.

Respectfully submitted,  
/DAVID A HERDMAN/  
08/15/2006

**David A. Herdman**

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