

ESTTA Tracking number: **ESTTA412378**

Filing date: **06/02/2011**

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

Applicant:	<b>Kinetix Living Corp.</b>
Application Serial Number:	<b>85178245</b>
Application Filing Date:	<b>11/16/2010</b>
Mark:	<b>KX KINETIX</b>
Date of Publication	<b>05/03/2011</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 49016-3599, 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 06/02/2011. KELLOGG NORTH AMERICA COMPANY respectfully requests that the time period within which to file an opposition be extended until 08/31/2011.

Respectfully submitted,  
/DAVID A. HERDMAN/  
06/02/2011

**DAVID A. HERDMAN**

**Assistant Secretary/Corporate Counsel  
KELLOGG NORTH AMERICA COMPANY  
ONE KELLOGG SQUARE, PO BOX 3599  
BATTLE CREEK, MI 49016-3599  
UNITED STATES  
trademarks@kellogg.com  
269-961-2170**