

TAB

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

*In the Matter of Application Serial No. 76/008,408
VITALE AND DESIGN, filed March 23, 2000
Published in the Official Gazette (Trademarks) on September 11, 2001*

VITALITY FOODSERVICE, INC.,)
)
Opposer,)
)
vs.)
)
JOSEPH VITALE MANAGEMENT)
LIMITED,)
)
Applicant.)
_____)

Opposition No. 124,718

Trademark: VITALE and Design
Serial No. 76/008,408

02 SEP 23 AM 12:09
TRADEMARK TRIAL AND
APPEAL BOARD

APPLICANT'S REQUEST FOR EXTENSION OF TIME
WITHIN WHICH TO ANSWER
NOTICE OF OPPOSITION


Comes now Applicant, Joseph Vitale Management Limited, and respectfully requests that the time for filing an Answer to the Notice of Opposition filed by Opposer, Vitality Food Service, Inc., regarding the subject application, be extended thirty (60) days, that is, through and including November 12, 2002. This extension is requested in order to allow the Board to consider Applicant's Consented Request to Amend its Application by deleting therefrom all reference to beverages. The Request to Amend was filed on September 10, 2002 and should it be accepted, this matter will be settled.

Applicant has communicated with Opposer's counsel, and Opposer's counsel has consented to this Request. A copy of this request is being sent to Opposer's counsel.

Dated this 11th day of September, 2002.

Respectfully submitted,

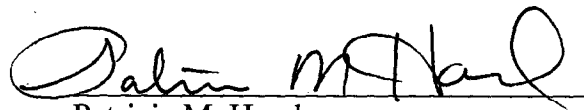
**JOSEPH VITALE MANAGEMENT
LIMITED**

By: 
Joan L. Dillon
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Phone: (404) 815-6533
Fax: (404) 541 3180

Attorneys for Applicant, Joseph Vitale
Management Limited

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, 2900 Crystal Drive, Attention: BOX TTAB - NO FEE, Arlington, Virginia 22202-3514, on September 11, 2002.



Patricia M. Hand
Secretary to Joan L. Dillon

CERTIFICATE OF SERVICE

This is to certify that the undersigned has served on this date a true and correct copy of the within and foregoing **APPLICANT'S REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO ANSWER NOTICE OF OPPOSITION** regarding **Opposition No. 124,718**, upon counsel for Opposer, Vitality Foodservice, Inc., by United States First Class Mail, in a properly addressed envelope, with adequate postage affixed thereon, addressed as follows:

Mr. C. Douglas McDonald
Mr. Andrew C. Greenberg
Carlton Fields, P.A.
P. O. Box 3239
Tampa, Florida 33601

Dated this 11th day of September, 2002.

By: 
Joan L. Dillon
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
Phone: (404) 815-6533
Fax: (404) 541 3180

Attorneys for Applicant Joseph
Vitale Management Limited