



02-25-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

TTAB

TRADEMARK

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited within the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202 on February 20, 2002.

Martin R. Greenstein

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

IN THE MATTER OF Application Serial No. 76/139,362 for the trademark VITALIZES in Int. Classes 32, 33 & 34, filed October 2, 2000, and published in the Official Gazette of October 2, 2001

Vitality Foodservice, Inc.)	
Opposer,)	
v.)	Opposition No.:
)	150,455
Red Bull GmbH)	
Applicant.)	

**EX PARTE REQUEST TO EXTEND TIME FOR
APPLICANT TO ANSWER OR OTHERWISE RESPOND**

Applicant hereby requests that the Trademark Trial and Appeal Board extend the time to Answer or Otherwise Respond to the Notice of Opposition for Sixty (60) days from the current February 25, 2002 due date, up to and including April 26, 2002.

The Board's Transmittal Letter and Docketing Order, dated January 16, 2002 and received January 22, 2002, did not include a copy of the Notice of Opposition. Applicant's Legal Assistant, Ann Marie Kendra, spoke with Shelly Jamison, Legal Assistant at the TTAB on January 24, 2002, and explained the situation, and Ms. Jamison provided Applicant's

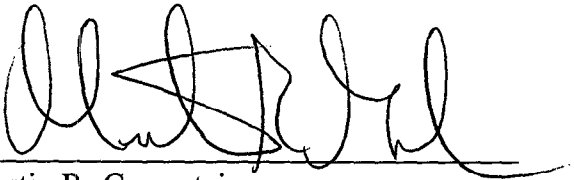
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attorney with a copy of the Notice of Opposition on January 30, 2002 by facsimile, at which time it was forwarded to Applicant, who is located in Austria.

The additional time is requested in order to review and discuss the matter with our client. Ms. Jamison indicated that in view of the circumstances it would be appropriate to make this request ex parte. It is submitted that in view of the foregoing, good cause has been shown for this Request, and it is respectfully requested that the motion be granted. This request is being submitted in triplicate.

Dated: February 20, 2002

Respectfully submitted,

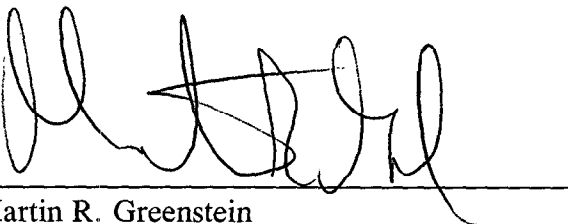
By 

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **EX PARTE REQUEST TO EXTEND TIME FOR APPLICANT TO ANSWER OR OTHERWISE RESPOND** is being served on February 20, 2002, by first class mail, postage prepaid, upon:

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Martin R. Greenstein