

3. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3.

4. Registrant admits that he is an individual and citizen of South Africa and Canada, and had a domicile at 143 17th Street Linksfield West Johannesburg, Transvaal, South Africa. Applicant denies knowledge or information sufficient to form a belief as to the truth of any other allegation contained in paragraph 4.

5. Registrant admits the allegations in paragraph 5 except with respect to the statement regarding the goods covered by Registration No. 2,168,735. The registration does not cover "soy nuts," but does cover foods that consist of soy and nuts. Registrant denies knowledge or information sufficient to form a belief as to the truth of any other allegations contained in paragraph 5.

6. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6.

7. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 regarding Petitioner's activities. Registrant denies that it has abandoned the mark EARTHWISE in the United States and denies any other allegations contained in paragraph 7.

8. Registrant denies that it has abandoned the mark EARTHWISE in the United States and denies any other allegations contained in paragraph 8.

9. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 regarding Petitioner's application. Registrant denies all other allegations contained in paragraph 9.

WHEREFORE, Applicant requests that this Cancellation be dismissed.

Dated: New York, New York
January 22, 2002

"Express Mail" mailing label No.: EV 054515287 US
Date of Deposit: January 22, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Andrew N. Fredbeck

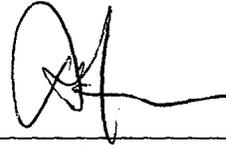
(Printed name of person mailing paper or fee)



(Signature)

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.



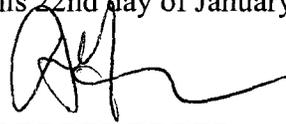
By: _____

Andrew N. Fredbeck

Attorneys for Applicant
633 Third Avenue
New York, New York 10017
(212) 953-9090

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by prepaid, first-class mail upon Opposer, to the attention of Eric D. Paulsrud, Leonard, Street and Deinard, 150 Southfifth Street, Suite 2300, Minneapolis, MN 55402, this 22nd day of January, 2002.



Andrew N. Fredbeck

ANF/has

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