

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

In the Matter of Registration No. 2,168,735
Date of Issue: June 30, 1998

| | | |
|-----------------------|---|-------------------------|
| EARTHWISE FOODS, LLC, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Cancellation No. 32,482 |
| |) | |
| Eric Ivor Saretzky, |) | |
| |) | |
| Registant. |) | |

BOX TTAB
FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

STIPULATED WITHDRAWAL/CANCELLATION BY PETITIONER

COMES NOW, Petitioner, Earthwise Foods, LLC, by its attorneys, and with the consent of Registrant, Eric Ivor Saretzky, pursuant to 37 C.F.R. § 2.114(c), and hereby withdraws its Petition for Cancellation without prejudice.

LEONARD, STREET and DEINARD
By: 
Eric D. Paulsrud
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Telephone: (612) 335-1500

ATTORNEYS FOR PETITIONER

**FROSS ZELNICK LEHRMAN &
ZISSU, P.C.**
By: 
Andrew N. Fredbeck
866 United Nations Plaza, 6th Floor
New York, NY 10017
Telephone: (212) ~~953-9000~~
813-5900

ATTORNEYS FOR REGISTRANT

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing **Stipulated Withdrawal/Cancellation by Petitioner** was served on Registrant on this 12th day of July, 2002 by mailing, postage prepaid, by United States first class mail, a copy to:

Andrew N. Fredbeck
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza, 6th Floor
New York, NY 10017

A handwritten signature in black ink, appearing to read "Eric D. Paulsrud", written over a horizontal line.

Eric D. Paulsrud

TTAB



C7-15-2002

LEONARD, STREET AND DEINARD

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #71

PROFESSIONAL ASSOCIATION

July 12, 2002

Eric D. Paulsrud

612-335-1448

eric.paulsrud@leonard.com

CERTIFICATE OF MAILING BY EXPRESS MAIL

VIA EXPRESS MAIL

Express Mail mailing label number: EM209962695US

Hon. Assistant Commissioner for Trademarks
NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

I hereby certify that this correspondence is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 and is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service on July 12, 2002.

Re: U.S. Trademark Reg. No. 2,168,735
Cancellation No. 32,482
Mark: EARTHWISE
Registrant: Eric Ivor Saretzky
Our File No. 53844/2

Vicki L. Clancy
(Printed or typed name of the person mailing the paper or fee)
Vicki L. Clancy
(Signature of the person mailing the paper or fee)
July 12, 2002
(Date of Signature)

TRADEMARK TRIAL AND APPEAL BOARD
02 JUL 19 PM 12:23

Dear Assistant Commissioner:

Enclosed is a fully executed Stipulated Withdrawal/Cancellation by Petitioner for filing in the above cancellation proceeding.

A return-receipt postcard indicates the elements of this mailing. Please date stamp this card and return it to us for our records. This filing is being submitted by "Express Mail" with certificate, in accordance with 37 C.F.R. § 1.10.

Sincerely,

LEONARD, STREET AND DEINARD

Eric D. Paulsrud

EDP/vlc: 2236854

Enclosure

cc: Andrew N. Fredbeck