

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

Mark: RARE EARTHS

<p>Nu Skin International, Inc.,  v.  Forsythe Cosmetic Group, Ltd.,</p> <p align="right">Petitioner,   Registrant.</p>	<p align="center"><b>PETITION FOR CANCELLATION</b></p> <p>Cancellation No.:</p> <p>Registration No.: 1,390,473 Date of Issue: April 22, 1986</p>
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Box TTAB FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

**PETITION FOR CANCELLATION**

Petitioner, Nu Skin International, Inc. ("Petitioner"), a Utah corporation, having a principal place of business at 75 West Center Street, Provo, Utah 84601, believes that it is and will continue to be damaged by Registration No. 1,390,473 and hereby petitions to cancel the same.

As grounds for cancellation, Petitioner alleges:

1. Forsythe Cosmetic Group, Ltd. ("Registrant"), upon information and belief, has a mailing address of P.O. Box 431, Lawrence, New York 11559, and is the registrant of Registration No. 1,390,473 for the mark RARE EARTHS, for "nail enamels" in International Class 3.

2. Upon information and belief, the original applicant of Registration No. 1,390,473 was Cosmetic Arts, Inc., a New Jersey corporation having a place of business at 89 Terminal Avenue, Clark, New Jersey 07066. Ownership of Registration No. 1,390,473 was transferred to Registrant by assignment.

3. Upon information and belief, Registrant is no longer using RARE EARTHS as a trademark, Registrant has not used RARE EARTHS as a trademark for over three consecutive years, and therefore Registrant has abandoned the RARE EARTHS mark pursuant to 15 U.S.C. § 1127.

4. Petitioner has standing to bring this petition for cancellation because Registrant's RARE EARTHS mark has been cited by a trademark examiner against Petitioner's application for registration of the mark RARE EARTHS, Serial No. 78/157,901.

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained and that Registration No. 1,390,473 for RARE EARTHS be cancelled.

A duplicate copy of this Petition for Cancellation and the fee required by 37 C.F.R. § 2.6 are enclosed.

Dated: July 8, 2003

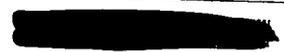
Respectfully submitted,

HELLER EHRMAN WHITE & McAULIFFE LLP

By:   
Beth M. Goldman  
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TTAB



07-08-2003

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

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Arlington, Virginia 22202-3514

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**TRANSMITTAL LETTER**

Dear Sir or Madam:

We are attorneys representing Nu Skin International, Inc. Enclosed is an original and one copy of a PETITION FOR CANCELLATION.

Also enclosed is a check in the amount of \$300.00 for the filing fee. In the event the enclosed amount is insufficient for the fee, the Commissioner is authorized to charge any underpayment or credit any overpayment fees to our deposit account No. 08-1645 (Reference No. 22744-0002), as necessary. A copy of this transmittal letter is enclosed for this purpose.

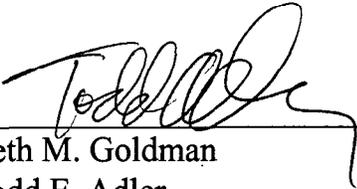
Please address all correspondence to me at the address below. Please stamp the enclosed postcard to evidence your receipt of this document.

Dated: July 8, 2003

Respectfully submitted,

HELLER EHRMAN WHITE & McAULIFFE LLP

By: \_\_\_\_\_

  
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