

ESTTA Tracking number: **ESTTA694839**

Filing date: **09/09/2015**

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

Proceeding	92060942
Party	Defendant Vitacost.com Inc.
Correspondence Address	VITACOSTCOM INC 5400 BROKEN SOUND BLVD NW, SUITE 500 BOCA RATON, FL 33487 UNITED STATES sftrademarks@pillsburylaw.com, michelle.mehok@pillsburylaw.com, richard.kirkpatrick@pillsburylaw.com, cynthia.haueter@pillsburylaw.com
Submission	Voluntary Surrender Of Registration
Filer's Name	Michelle L Mehok
Filer's e-mail	sftrademarks@pillsburylaw.com, michelle.mehok@pillsburylaw.com, richard.kirkpatrick@pillsburylaw.com, cynthia.haueter@pillsburylaw.com
Signature	/michelle mehok/
Date	09/09/2015
Attachments	Motion to Dismiss and Surrender.PDF(153756 bytes )

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

Cowboy NSI, LLC	)	CANCELLATION NO. 92060942
	)	
Petitioner,	)	<u>CONSENTED MOTION TO WITHOUT</u>
	)	<u>PREJUDICE AND VOLUNTARY</u>
vs.	)	<u>CANCELLATION OF REGISTRATIONS</u>
	)	
Vitacost.com, Inc.	)	Marks: NUTRACEUTICAL SCIENCES
	)	INSTITUTE and NSI NUTRACEUTICAL
Registrant.	)	SCIENCES INSTITUTE
	)	Registration Numbers 2470724 and
	)	2491928

**CONSENTED MOTION TO DISMISS PROCEEDINGS WITHOUT PREJUDICE  
AND VOLUNTARY CANCELLATION OF REGISTRATIONS**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

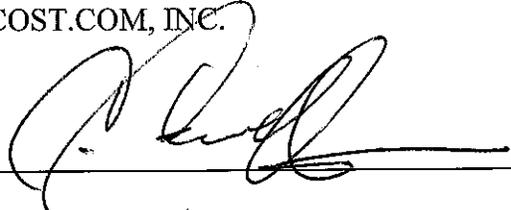
Registrant, Vitacost.com Inc., hereby voluntarily surrenders Registration Nos. 2470724 and 2491928 for cancellation pursuant to Section 7(e) of the Lanham Act, 15 U.S.C. § 1057(e), with the written consent of Petitioner, Cowboy NSI, LLC. It is requested that the registrations in their entirety be cancelled. A copy of the original certificates are enclosed for cancellation.

Petitioner, Cowboy NSI, LLC, and Registrant, Vitacost.com, Inc., hereby stipulate that the cancellation proceeding be terminated without prejudice upon the cancellation of Registration Nos. 2470724 and 2491928 in their entirety.

Petitioner, Cowboy NSI, LLC, has agreed to this motion pursuant to the signature below from counsel for the Petitioner.

Respectfully submitted,

VITACOST.COM, INC.

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

Name: Chris Cavalline

Title: Chief Marketing Officer

Date: 9/9/15

Agreed and Consented by:

COWBOY NSI, LLC

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

Name: \_\_\_\_\_

Kimberly P. Stein, Esq.  
HOLLEY DRIGGS WALCH FINE WRAY  
PUZEY & THOMPSON  
400 S 4th Street  
Third Floor  
Las Vegas NV 89101

Petitioner, Cowboy NSI, LLC, has agreed to this motion pursuant to the signature below from counsel for the Petitioner.

Respectfully submitted,

VITACOST.COM INC.

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Agreed and Consented by:

COWBOY NSI, LLC

By: Charles Woods, COO

Name: Charles Woods

Kimberly P. Stein, Esq.  
HOLLEY DRIGGS WALCH FINE WRAY  
PUZEY & THOMPSON  
400 S 4th Street  
Third Floor  
Las Vegas NV 89101

CERTIFICATE OF SERVICE

I, Michelle L. Mehok, hereby certify that on this 9th day of September, 2015, a true copy of the foregoing **CONSENTED MOTION TO DISMISS PROCEEDINGS WITHOUT PREJUDICE AND SURRENDER OF REGISTRATION FOR CANCELLATION** was served on Petitioner's counsel of record by depositing said copy, via First Class Mail, in the United States mail in a sealed envelope with postage thereon fully prepaid, addressed as follows:

Kimberly P. Stein, Esq.  
HOLLEY DRIGGS WALCH FINE WRAY  
PUZEY & THOMPSON  
400 S 4th Street  
Third Floor  
Las Vegas NV 89101

Executed: September 9, 2015

\_\_\_\_\_  
/michelle Mehok/  
Michelle L. Mehok

CERTIFICATE OF FILING

I, Michelle L. Mehok, hereby certify that on this 9th day of September, 2015, an electronic copy of Registrant's foregoing **CONSENTED MOTION TO DISMISS PROCEEDINGS WITHOUT PREJUDICE AND SURRENDER OF REGISTRATION FOR CANCELLATION** was electronically filed in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board Electronic Filing System.

Executed: September 9, 2015

\_\_\_\_\_  
/michelle mehok/  
Michelle L. Mehok