

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on the date shown below:

Kristin J. Frost

(Typed or printed name of Sender)

Kristin J. Frost

(Signature)

July 29, 2004

(Date)

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

In the Matter of Application Serial No. 76/310,712

Filed on September 10, 2001

For the Mark SMOOTHIES SENSATIONS

Published in the *Official Gazette (Trademarks)* on March 12, 2002

THE PROCTER & GAMBLE COMPANY, :

Opposer, :

vs. :

HEALTH INTERNATIONAL
CORPORATION, :

Applicant. :

Opposition No. 91/125,736

Box TTAB NO FEE

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513



08-02-2004

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

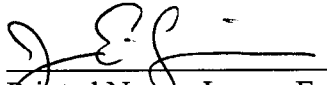
Stipulated Dismissal of Opposition

Opposer, THE PROCTER & GAMBLE COMPANY, Real Party-in-Interest by assignment, SMUCKER FRUIT PROCESSING COMPANY, and Applicant, HEALTH INTERNATIONAL CORPORATION, by their attorneys, hereby stipulate to the dismissal of this Opposition with prejudice.

SO STIPULATED AND AGREED

Smucker Fruit Processing Company

Real Party in Interest

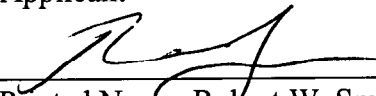
By: 
Printed Name: Jeanne E. Longmuir
Firm: Calfee, Halter & Griswold LLP
Address: 800 Superior Ave., Suite 1400
Cleveland, Ohio 44114-2688

Telephone No.: (216) 622-8200
Attorney for Real Party in Interest

Dated: 10/16/03

Health International Corporation

Applicant


By: 
Printed Name: Robert W. Smith
Firm: McCarter & English, LLP
Address: Four Gateway Center
100 Mulberry Street, P.O. Box 652
Newark, New Jersey 07101-0652

Telephone No.: (973) 624-7070
Attorney for Applicant

Dated: 7/28/04

The Procter & Gamble Company

Original Opposer

By: 
Printed Name: Erich Hemm
The Procter & Gamble Company
Address: One Procter & Gamble Plaza
C-2 Box 111
Cincinnati, Ohio 45202

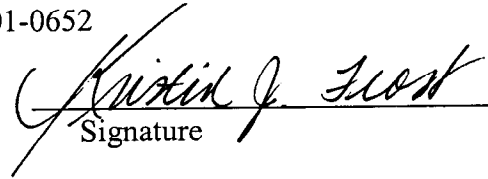
Telephone No.: (513) 983-1246
Attorney for Original Opposer

Dated: April 15, 2004

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing Stipulated Dismissal of Opposition has been served upon the attorney for Applicant on July 29, 2004 by depositing same in the United States Mail, first class postage prepaid, in an envelope addressed as follows.

Robert W. Smith, Esq.
McCarter & English LLP
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, NJ 07101-0652

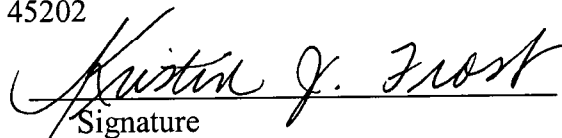

Signature

Kristin J. Frost
Typed Name of Person Signing

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing Stipulated Dismissal of Opposition has been served upon the attorney for Original Opposer on July 29, 2004 by depositing same in the United States Mail, first class postage prepaid, in an envelope addressed as follows.

Erich Hemm, Esq.
The Procter & Gamble Company
One Procter & Gamble Plaza
C-2 Box 111
Cincinnati, Ohio 45202


Signature

Kristin J. Frost
Typed Name of Person Signing

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on the date shown below:

TTAB

Kristin J. Frost
 (Typed or printed name of Sender)

Kristin J. Frost
 (Signature)

July 29, 2004
 (Date)

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

In the Matter of Application Serial No. 76/310,712
Filed on September 10, 2001
For the Mark SMOOTHIES SENSATIONS
Published in the *Official Gazette (Trademarks)* on March 12, 2002

THE PROCTER & GAMBLE COMPANY, :
 :
 Opposer, :
 :
 vs. :
 :
 HEALTH INTERNATIONAL :
 CORPORATION, :
 :
 Applicant. :
 :

Opposition No. 91/125,736



08-02-2004

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

Box TTAB NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

TRANSMITTAL OF STIPULATED DISMISSAL OF OPPOSITION

Sir:

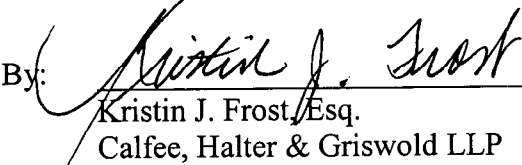
Transmitted herewith are the following:

- 1) Stipulated Dismissal of Opposition; and
- 2) A Return Receipt Postcard.

It is believed that no further fee is required relating to the filing of this document. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: July 29, 2004

By: 

Kristin J. Frost, Esq.
Calfee, Halter & Griswold LLP
1400 McDonald Investment Center
800 Superior Avenue
Cleveland, Ohio 44114
(216) 622-8200