

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

Natural Energy Unlimited, Inc.
Petitioner
v.

Cancellation No. 9230051

TTAB

Golden Gem Growers, Inc.
Registrant

Trademark Trial and Appeal Board
Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
MS: TTAB

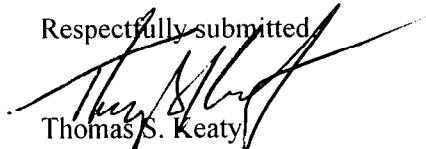
REPLY TO TTAB COMMUNICATION

In response to the communication of the Trademark Trial and Appeal Board dated September 30, 2004, Petitioner respectfully submits that according to the latest information obtained from the Bankruptcy Court in Orlando, Florida, the proceedings in the matter of Golden Gem Growers, Inc. have not been finalized and the bankruptcy case is still active. Enclosed herewith is a printout of the Case Summary of the proceedings in the court. The date of last filing of the documents appears to be October 13, 2004. Petitioner further encloses a copy of the Certificate of Service filed with the Bankruptcy Court by Allen E. Wulbern, attorney for the Disbursing Agent. Petitioner received no communication from either Respondent or the Bankruptcy Trustee indicating their interest in these proceedings or the rights affected thereby.

Petitioner's attorney contacted David L. Sigalow, Esq. attorney for Registrant/Respondent in these proceedings and was advised that Mr. Sigalow plans to withdraw from the case as the attorney of record. As a result, even though Petitioner is most interested in bringing these proceedings to a conclusion and have the Respondent's registration cancelled, Petitioner is unable to proceed due to the active bankruptcy case involving the Respondent.

The Trademark Trial and Appeal is respectfully requested to take these facts into consideration and retain this case on the docket.

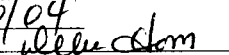
Respectfully submitted,


Thomas S. Keaty
Reg. No. 27,038
Keaty Professional Law Corporation
2140 World Trade Center
2 Canal Street
New Orleans, Louisiana 70130
Tel: (504) 524-2100
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to:

Commissioner for Trademarks
Post Office Box 1451
Alexandria, VA 22313-1451

On: 10/20/04
By: 
Debra Hom



10-26-2004

6:01-bk-09028-ABB Golden Gem Growers Inc.
Case type: bk **Chapter:** 11 **Asset:** Yes **Vol:** v **Judge:** Arthur B. Briskman
Date filed: 09/14/2001 **Plan confirmed:** 07/26/2002 **Date of last filing:** 10/13/2004

Case Summary

Office: Orlando **Filed:** 09/14/2001
County: Osceola **Terminated:**
Fee: Paid **Discharged:**
Reopen: **Reopened:**
Previous Term: **Converted:**
Disposition: **Dismissed:**
Joint: **Confirmation Hearing:** 07/17/2002

Related adversary proceedings: 6:01-ap-00216-ABB,6:02-ap-00248-ABB,6:02-ap-00249-ABB,6:02-ap-00250-ABB,
 6:02-ap-00251-ABB,6:02-ap-00252-ABB,6:02-ap-00253-ABB,6:02-ap-00254-ABB,
 6:02-ap-00255-ABB,6:02-ap-00256-ABB,6:02-ap-00258-ABB,6:02-ap-00259-ABB,
 6:02-ap-00260-ABB,6:02-ap-00261-ABB,6:02-ap-00267-ABB,6:02-ap-00268-ABB,
 6:02-ap-00276-ABB,6:02-ap-00291-ABB,6:02-ap-00299-ABB,6:02-ap-00305-ABB,
 6:02-ap-00306-ABB,6:02-ap-00319-ABB,6:02-ap-00320-ABB,6:02-ap-00321-ABB,
 6:02-ap-00322-ABB,6:02-ap-00323-ABB,6:02-ap-00324-ABB,6:02-ap-00325-ABB,
 6:02-ap-00338-ABB,6:02-ap-00339-ABB,6:02-ap-00345-ABB,6:02-ap-00349-ABB,
 6:02-ap-00350-ABB,6:02-ap-00351-ABB,6:02-ap-00352-ABB,6:02-ap-00353-ABB,
 6:02-ap-00354-ABB,6:02-ap-00375-ABB,6:02-ap-00376-ABB,6:03-ap-00067-ABB,
 6:03-ap-00079-ABB,6:03-ap-00157-ABB,6:03-ap-00158-ABB,6:03-ap-00159-ABB,
 6:03-ap-00162-ABB,6:03-ap-00262-ABB,6:03-ap-00263-ABB,6:03-ap-00264-ABB,
 6:03-ap-00265-ABB,6:03-ap-00266-ABB,6:03-ap-00267-ABB,6:03-ap-00268-ABB,
 6:03-ap-00269-ABB,6:03-ap-00270-ABB,6:03-ap-00315-ABB,6:04-ap-00031-ABB

Trustee: United States Trustee **City:** Orlando **Phone:** 407-648-6301

Party 1: Golden Gem Growers Inc. (59-0653915)
 (Debtor)

Atty: Peter N Hill

Represents party 1:
 Debtor

Phone:407-648-0058
Fax: 407-648-0681
Email: phill@whmh.co

Atty: Frank M Wolff

Represents party 1:
 Debtor

Phone:407-648-0058
Fax: 407-648-0681
Email: fwolff@whmh.com

Atty: Allan E. Wulbern

Represents party 1:
 Debtor

Phone:904-359-7700
Email: awulbern@smithhulsey.com

Location of Case File(s):

Volume: CS1

File may NOT be available. See file clerk

PACER Service Center			
Transaction Receipt			
10/20/2004 16:12:04			
PACER Login:	kp0138	Client Code:	
	Case	Search	6:01-bk-09028-

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:) Case No. 01-09028-6B1
GOLDEN GEM GROWERS, INC.,)
Debtor.)
_____)

CERTIFICATE OF SERVICE

I certify that a copy of the Order on Motion for Extension of Time to File Adversary Proceedings for the Recovery of Excess Advances from Golden Gem's Members entered by the Court on October 8, 2004 was furnished by mail on October 12, 2004 to those parties on the attached Local Rule 1007-2 Parties in Interest List.

SMITH HULSEY & BUSEY

By: /s/ Allan E. Wulbern
Stephen D. Busey
Allan E. Wulbern

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Florida Bar Number 175511
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Attorneys for Daniel E. Dempsey, CPA, as
Disbursing Agent