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

[redacted]

12-23-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #73

IN THE MATTER OF the Trademark

"NEW FREEDOM"
Registration No. 877,479
Registered on September 23, 1969

| | | |
|---|---|---|
| River West Brands LLC | ) | |
| | ) | |
| Petitioner | ) | |
| | ) | |
| v. | ) | Cancellation No. _____ |
| | ) | |
| Kimberly-Clark Corporation | ) | |
| | ) | |
| Registrant | ) | |

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**PETITION TO CANCEL**

River West Brands LLC, a Delaware limited liability company with a principal place of business at 648 West Randolph Street, Suite 400, Chicago IL, 60661 (hereinafter, "Petitioner") believes that Kimberly-Clark Corporation, a Delaware corporation with a principal place of business at 401 North Lake Street, Neenah, WI, 54956 (hereinafter, "Registrant"), has not used the mark "NEW FREEDOM" (Registration No. 877,479) in commerce for an uninterrupted period of at least three (3) years and has no intention to resume such use. Petitioner believes that it will be damaged by the continued existence of Registration No. 877,479, and therefore petitions to cancel Registration No. 877,479 under Section 14(3) of the Trademark Act. As grounds therefore, Petitioner states as follows:

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1. On information and belief, Registrant applied to register the mark "NEW FREEDOM" on February 5, 1969, and claimed first use in commerce on November 20, 1968. Registration No. 877,479 was granted to Registrant on September 23, 1969.

2. On information and belief, Registrant is the current owner of record of Registration No. 877,479 for the mark "NEW FREEDOM" in respect of "sanitary napkins" in International Class 005. Registration No. 877,479 was renewed on September 23, 1989 and is valid and in effect as of the date of this Petition.

3. On August 14, 2002, Petitioner filed an intent to use application under 15 U.S.C. 1051(b), as amended, for the mark "NEW FREEDOM" in respect of "tampons and sanitary napkins" in International Class 005.

4. On information and belief, Registration 877,479 will be cited by the Examining Attorney as a bar to registration of the mark "NEW FREEDOM" as set forth in Petitioner's application therefore, thereby causing damage to Petitioner. Petitioner therefore has standing to bring this action.

5. Based on information obtained from Petitioner's independent investigation, Registrant has not used the mark "NEW FREEDOM" in the United States in any form for an uninterrupted period of at least three (3) years and has no intention to resume such use.

6. Registration No. 877,479 has therefore been abandoned under Section 45 of the Trademark Act, and should be cancelled pursuant to Section 14(3) of the Trademark Act.

WHEREFORE, Petitioner prays that this cancellation action be sustained and Registration No. 877,479 be cancelled from the Trademark Register.

The statutory Cancellation Filing Fee of $300 should be satisfied with the enclosed check. A duplicate copy of this Petition is enclosed as required by 37 CFR §2.112(a).

David S. Ruder
Chief Executive Officer
RIVER WEST BRANDS LLC

Date: December 20, 2002
RIVER WEST BRANDS LLC
David S. Ruder
648 West Randolph Street
Suite 400
Chicago, IL 60661
(312) 382-1410

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:

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

on 12/10/02 (Date) (Signature)

DAVID S. RUDER