

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

In the Matter of Registration No. 2188659  
Date of Issue: September 8, 1998

CONAGRA GROCERY PRODUCTS, )  
LTD., )

Petitioner, )

v. )

UL CANADA, INC., dba LIPTON )  
CORPORATION CANADA, )

Registrant, )

Cancellation No. \_\_\_\_\_

05-07-2003

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

BOX TTAB FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**PETITION FOR CANCELLATION**

ConAgra Grocery Products Ltd., a Canadian corporation, having a place of business at 80 Tiverton Court, Ste. 600, Markham, Ontario L3R 0G4 Canada, believes that it will be damaged by Registration No. 2,188,659, and hereby petitions to cancel the same.

As grounds therefore it is alleged that:

1. Registrant has obtained a registration for the trademark FRASER VALLEY as used on or in connection with canned soups in International Class 29 and U.S. Class 46 claiming a first date of use of November 1997 and a date of first use in interstate commerce of November 1997.
2. Petitioner previously filed Trademark Application Serial No. 76/387,773 for the trademark FRASER VALLEY as used or on or in connection with gravy and meat

balls in International Class 29; and macaroni and beef; and beef ravioli in International Class 30.

3. The Trademark Examiner assigned to Petitioner's application alleged that Petitioner's use of the FRASER VALLEY trademark is confusingly similar to Registrant's FRASER VALLEY and refused registration.

4. Upon information and belief, the FRASER VALLEY trademark currently held by Registrant is no longer being used by Registrant, has not been used by Registrant for over three years, will not be used by Registrant in the future and has been abandoned by Registrant.

5. In the event that Registrant is permitted to maintain its abandoned Registration, Petitioner will be damaged insofar as the Examiner likely will maintain a Section 2(d) refusal against a Petitioner's application FRASER VALLEY trademark.

6. A duplicate copy of this Petition and the fee required in §2.6(a)(16) is enclosed herewith.

WHEREFORE, the Petitioner prays that Registration No. 2,188,659 issued September 8, 1998, be cancelled.

Respectfully submitted,

CONAGRA GROCERY PRODUCTS,  
LTD.

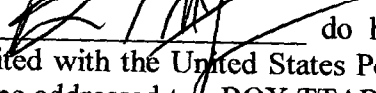
By: 

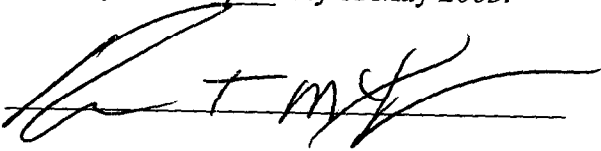
Brian T. McKernan  
Patrick C. Stephenson  
McGRATH, NORTH, MULLIN  
& KRATZ, PC LLO

Suite 3700 First National Tower  
1601 Dodge Street  
Omaha, NE 68102  
(402) 341-3070

ATTORNEYS FOR PETITIONER

**CERTIFICATE OF EXPRESS MAIL**

I,  do hereby certify that the foregoing document is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: BOX TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on this 7<sup>th</sup> day of May 2003.



EV 290518471 US  
Express Mail Label Number

5/7/03  
Date of Deposit

TTAB

**McGRATH NORTH MULLIN & KRATZ, PC LLO**

ATTORNEYS AT LAW

SUITE 3700 FIRST NATIONAL TOWER  
1601 DODGE STREET, OMAHA, NEBRASKA 68102

BRIAN T. MCKERNAN

TELEPHONE: 402-341-3070  
E-MAIL: bmckernan@mmk.com



May 7, 2003

05-07-2003

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

**Via Express Mail-Return Receipt Requested**

Box TTAB Fee  
ASSISTANT COMMISSIONER FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, VA 22202-3513

**Re: Registration No. 2,188,659**  
**Applicant: ConAgra Grocery Products Ltd.**  
**Mark: FRASER VALLEY**

Dear Commissioner:

Enclosed for filing is a Petition for Cancellation and two copies for the above-referenced Mark together with a check in the amount of \$300 to cover the filing fees.

Thank you for your attention to this matter and please feel free to contact me should you have any questions.

Very truly yours,

Brian T. McKernan

BTM:pb  
Enclosures