

ESTTA Tracking number: **ESTTA64454**

Filing date: **01/31/2006**

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

Proceeding	92043143
Party	Defendant Aromatic Research & Technology, LLC.d/b/a Young Living Essential Oils Aromatic Research & Technology, LC. 250 South Main Street Payson, UT 84651
Correspondence Address	John C Stringham Workman Nydegger 60 East South Temple, 1000 Eagle Gate Twr Salt Lake City, UT 84111 jstringham@wnlaw.com
Submission	Other Motions/Papers
Filer's Name	Michael M. Ballard
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Signature	/mballard 54978/
Date	01/31/2006
Attachments	Respondent's Motion.pdf (3 pages)

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

In the matter of Trademark Registration No. 2,711,341
Registration Date: April 29, 2003
For the Mark: "FIBERZYME"

AGRIGENIC FOOD CORPORATION d/b/a)
BIOTEC FOODS)
)
Petitioner,)
)
)
v.)
)
AROMATIC RESEARCH & TECHNOLOGY, LLC)
d/b/a YOUNG LIVING ESSENTIAL OILS)
a Utah corporation)
)
Respondent.)
)

Cancellation No. 92043143

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

RESPONDENT'S MOTION FOR INVOLUNTARY DISMISSAL WITH PREJUDICE

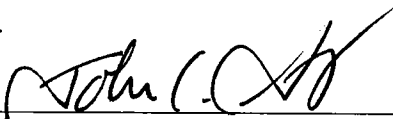
Pursuant to Trademark Rule 2.132(a), Respondent, Aromatic Research & Technology, LLC, d/b/a Young Living Essential Oils ("Respondent" or "Young Living"), respectfully moves the Trademark Trial & Appeal Board ("Board") to dismiss with prejudice Petitioner, Agrigenic Food Corporation, d/b/a/ Biotec Foods' ("Petitioner" or "Biotec") Petition To Cancel for failure to prosecute as follows:

1. Petitioner filed the instant Petition To Cancel on March 29, 2004.

2. Respondent filed its Answer on August 8, 2004.
3. The time for Petitioner to take testimony in this proceeding expired on January 30, 2006.
4. Petitioner has not taken testimony or offered any other evidence in support of its Petition To Cancel.
5. The time for Respondent to take testimony has not opened and will not open until March 2, 2006.

WHEREFORE, for the reasons set forth herein, Respondent Young Living respectfully requests that Petitioner Biotec's Petition To Cancel be dismissed in its entirety with prejudice for failure to prosecute pursuant to Trademark Rule 2.132(a).

Dated this 31, day of January 2006.



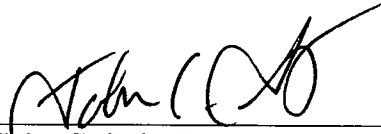
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Michael M. Ballard
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of January 2006, a true and correct copy of the foregoing RESPONDENT'S MOTION FOR INVOLUNTARY DISMISSAL WITH PREJUDICE has been provided by U.S. First Class mail in an envelope addressed to:

Robert G. Kavanaugh
Agrigenic Food Corporation
d/b/a Biotec Foods
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