

ESTTA Tracking number: **ESTTA268182**

Filing date: **02/23/2009**

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

Proceeding	92044046
Party	Defendant NATURE'S WAY PRODUCTS, INC.
Correspondence Address	Robyn L. Phillips Workman Nydegger 1000 Eagle Gate Tower60 East South Temple Salt Lake City, UT 84111 UNITED STATES rphillips@wnlaw.com
Submission	Other Motions/Papers
Filer's Name	Robyn L. Phillips
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Signature	/Robyn L. Phillips/
Date	02/23/2009
Attachments	10265_139 Stipulated Withdrawal of Cancellation.pdf (3 pages)(179306 bytes)

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

In the matter of United States Registration No. 1,578,596
Date of Issue: January 23, 1990
Mark: EXTRENERGY


AGRIGENIC FOOD CORPORATION,)	CANCELLATION NO. 92044046
Petitioner,)	
v.)	STIPULATED WITHDRAWAL OF
NATURE'S WAY PRODUCTS, INC.,)	CANCELLATION WITH PREJUDICE
Registrant.)	

Petitioner Agrigenic Food Corporation ("Petitioner") and Registrant Nature's Way Products, Inc. ("Nature's Way Products"), hereby stipulate and agree to the withdrawal of the above-captioned cancellation proceeding. Accordingly, Petitioner hereby withdraws the present opposition, Cancellation No. 92044046, pursuant to 37 C.F.R. § 2.114(c), with prejudice.

So stipulated and agreed.

DATED this 11 day of February, 2009.

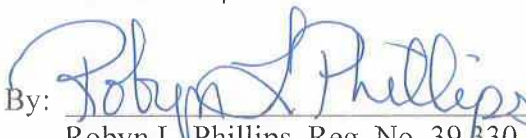
AGRIGENIC FOOD CORPORATION

By: 
Robert G. Kavanaugh
Title: President

Agreed as to form.

DATED this 23rd day of February, 2009.

WORKMAN | NYDEGGER

By: 
Robyn L. Phillips, Reg. No. 39,330

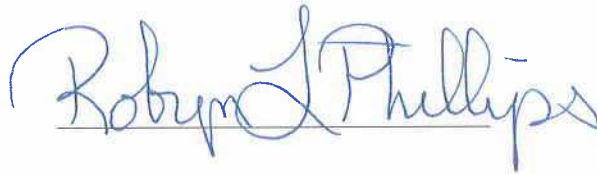
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

Attorneys for Registrant
NATURE'S WAY PRODUCTS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **STIPULATED WITHDRAWAL OF CANCELLATION WITH PREJUDICE** was served on Petitioner by mailing a true copy thereof to its record, by First Class Mail, postage prepaid, this 23rd day of February, 2009, in an envelope addressed as follows:

Robert G. Kavanaugh
AGRIGENIC FOOD CORPORATION
5152 Bolsa Avenue, Suite 101
Huntington Beach, California 92649-1047

A handwritten signature in blue ink that reads "Robert G. Kavanaugh". The signature is written in a cursive style with a horizontal line underneath the name.

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