

TTAB

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

13708732

In the matter of trademark Registration No.: 1,500,164

For the mark: THE GOLD STANDARD
Date Registered: August 16, 1988

SMART CHOICE FOOD SALES, LTD.

v.

NATURE'S WAY PRODUCTS, INC.

PETITION TO CANCEL

Smart Choice Food Sales, Ltd., a Pennsylvania corporation, with an address of P.O. Box 947, Springhouse, PA 19477, hereby petitions for cancellation of the above registration, and states as follows:

1. To the best of petitioner's knowledge, the name of the current owner of the registration is Nature's Way Products, Inc. a Utah corporation, with an address of 10 Mountain Springs Parkway, Springville, UT 84663.
2. The above-identified petitioner believes that it will be damaged by the above-identified registration, and hereby petitions to cancel the same.
3. Petitioner has concurrently filed an Application for Registration on the Principal Register for "GOLD STANDARD" for vitamins, dietary herbs and minerals and nutritional supplements.
4. The grounds for cancellation are as follows:

02/14/2005 K6IBBONS 00000104 1500164

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300.00 OP




02-07-2005

a. Registrant, Nature's Way Products, Inc., has abandoned the mark. On information and belief, Respondent has failed to use the mark in commerce in connection with the sale of vitamins and nutritional dietary supplements for a period in excess of three (3) years and Respondent does not intend to resume use of the mark in connection with such goods.

For the foregoing grounds, Petitioner requests that U.S. Registration No. 1,500,164 be cancelled.

Respectfully submitted,

By: 

Scott J. Fields, Esquire
Attorney for Petitioner,
Smart Choice Food Sales, Ltd.

Dated: February 3, 2005

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CERTIFICATE OF MAIL

MAIL STOP TTAB/FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Date of Deposit: February 3, 2005

I hereby certify that this Request to Extend the Opposition Period is being deposited with the United States Postal Service via Express Mail No. EV 573088735 US on the date indicated above and is addressed to Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia, 22313-1451, Mail Stop TTAB/FEE.


SCOTT J. FIELDS

Date: February 3, 2005

NATIONAL IP RIGHTS CENTER, LLC
550 Township Line Road, Suite 400
Blue Bell, PA 19422
(610) 680-2301 – Phone
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