

ESTTA Tracking number: **ESTTA204050**

Filing date: **04/10/2008**

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

Proceeding	92045958
Party	Plaintiff RIVER WEST BRANDS, LLC
Correspondence Address	BRETT M. TOLPIN Tolpin Law Office 283 Leslee Lane Highland Park, IL 60035 UNITED STATES docket@tolpinlaw.com
Submission	Appearance of Counsel/Power of Attorney
Filer's Name	William B. Cannon
Filer's e-mail	willcannon@parkerpoe.com
Signature	/William B. Cannon/
Date	04/10/2008
Attachments	notice of appearance.pdf (5 pages)(114967 bytes)

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

River West Brands, LLC,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92045958
)	
The J.M. Smucker Company,)	
by assignment from)	
Smucker Fruit Processing Company,)	
)	
Registrant.)	
_____)	

NOTICE OF APPEARANCE

NOW COME Arthur J. DeBaugh, Christopher M. Thomas, and William B. Cannon of Parker Poe Adams & Bernstein LLP and each a member of the Bar of the State of North Carolina to enter their appearance as additional counsel of record for Petitioner River West Brands, LLC, and, without waiving any requirement as to proper service in this matter, request that all pleadings, telephone calls, notices and other correspondence be directed as follows:

Arthur J. DeBaugh
artdebaugh@parkerpoe.com
Christopher M. Thomas
christhomas@parkerpoe.com
William B. Cannon
willcannon@parkerpoe.com
Parker Poe Adams & Bernstein LLP
150 Fayetteville Street Mall
Suite 1400
P.O. Box 389
Raleigh, NC 27602-0389
(919) 828.0564 – Telephone
(919) 834.4564 – Fax

as well as to:

Brett M. Tolpin
docket@tolpinlaw.com

Tolpin Law Office
283 Leslee Lane
Highland Park, IL 60035
(312) 698-8971 – Telephone

The undersigned are now working as associate counsel with respect to this Cancellation proceeding with Petitioner's attorney, Brett M. Tolpin. Attached as Exhibit 1 hereto is a General Power of Attorney by which Petitioner River West Brands LLC appoints the undersigned as its attorneys in connection with this proceeding.

Respectfully submitted this 10th day of April, 2008.

PARKER POE ADAMS & BERNSTEIN LLP

By: 

Arthur J. DeBaugh
N.C. Bar No. 15831
Christopher M. Thomas
N.C. Bar No. 31834
William B. Cannon
N.C. Bar No. 33849
150 Fayetteville Street, Suite 1400
P.O. Box 389
Raleigh, North Carolina 27602-0389
Telephone: 919-828-0564
Facsimile: 919-834-4564

Attorneys for Petitioner River West Brands, LLC

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2008, I caused a true and correct copy of the foregoing **NOTICE OF APPEARANCE** in Cancellation No. 92045958 to be served upon the following counsel by depositing a copy thereof in the United States mail, postage prepaid, first class mail, addressed as follows:

Kathryn Jennison Shultz
Jennison & Shultz, P.C.
2001 Jefferson Davis Highway – Suite 1102
Arlington, VA 22202

By: 

Arthur J. DeBaugh
N.C. Bar No. 15831
Christopher M. Thomas
N.C. Bar No. 31834
William B. Cannon
N.C. Bar No. 33849
150 Fayetteville Street, Suite 1400
P.O. Box 389
Raleigh, North Carolina 27602-0389
Telephone: 919-828-0564
Facsimile: 919-834-4564

Attorneys for Petitioner River West Brands, LLC

EXHIBIT 1

**Parker Poe Adams & Bernstein LLP
GENERAL POWER OF ATTORNEY**

River West Brands LLC, a limited liability company organized and existing under the laws of the State of Delaware and having a principal place of business at 141 West Jackson Boulevard, Suite 3620, Chicago, Illinois 60604 ("Company"), appoints Arthur J. DeBaugh, William S. Fultz, Frank E. Silber, Cynthia L. Wittmer, William B. Cannon, Stefanie I. Kandzia, and Christopher M. Thomas of Parker Poe Adams & Bernstein LLP, PO Box 389, 150 Fayetteville Street, Suite 1400, Raleigh, NC 27602-0389, all members of the bar of the State of North Carolina, acting together or separately, as its attorneys with the full power to proceed on its behalf, to execute and file trademark and service mark applications; to prosecute such application(s); to receive the Certificate(s) of Registration; to serve as our Domestic Representative with respect to any such applications and/or registrations; to file section 8 and/or section 15 affidavits, renewal applications, or any combination thereof in connection with any such applications and/or registrations; to file pleadings, responses or motions in the United States Patent and Trademark Office and the United States courts; to receive all official communications and to transact all business in connection with Company's trademarks and service marks.

Recognizing that Internet communications are not secure, Company authorizes the United States Patent and Trademark Office to communicate with its attorneys concerning any subject matter by electronic mail. Company understands that a copy of these communications will be made of record in the United States Patent and Trademark Office.

Company revokes all previous powers of attorney with respect to the subject matter hereof.

Signed at Chicago, Illinois
[U.S. city and state or foreign city and country where document is signed]

on February 28, 2008
[month and day] [year]

River West Brands LLC

By:

Name:

Title:

Mark F. Thoma
MARK F. THOMA
CEO