

ESTTA Tracking number: **ESTTA321739**

Filing date: **12/14/2009**

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

Proceeding	91179079
Party	Plaintiff Nature's Way Products, Inc.
Correspondence Address	Robyn L. Phillips Workman Nydegger 60 East South Temple, Suite 1000 Salt Lake City, UT 84111 UNITED STATES rphillips@wnlaw.com
Submission	Other Motions/Papers
Filer's Name	Robyn L. Phillips
Filer's e-mail	rphillips@wnlaw.com, scourdy@wnlaw.com
Signature	/Robyn L. Phillips/
Date	12/14/2009
Attachments	10265.175 Joint Notice of Dismissal.PDF (3 pages)(180121 bytes)

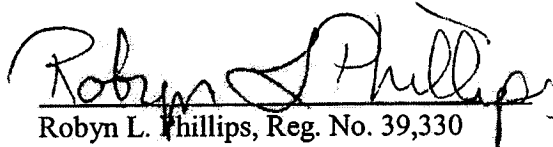
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 78/972,826
Published in the Official Gazette on April 24, 2007, on page TM 300
International Class: 005
Filed: September 12, 2006
Mark: **PREMIER ALIVE**

NATURE'S WAY PRODUCTS, INC.,)	Opposition No. 91179079
)	Consolidated with
Opposer,)	Cancellation No. 92047568
)	
v.)	
)	NATURE'S WAY PRODUCTS, INC.
PREMIER ALIVE, INC.,)	AND PREMIER ALIVE INC.'S JOINT
)	NOTICE OF DISMISSAL WITH
Applicant.)	PREJUDICE

Opposer Nature's Way Products, Inc. ("Nature's Way") and Applicant Premier Alive, Inc. ("Premier Alive") hereby jointly file this dismissal of the above-captioned consolidated proceeding. Accordingly, Nature's Way hereby withdraws the present opposition, Opposition No. 91179079, pursuant to 37 C.F.R. § 2.106(c), with prejudice. Further, Premier Alive withdraws the cancellation, Cancellation No. 92047568, pursuant to 37 C.F.R. § 2.114(c), with prejudice.

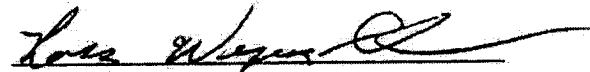
DATED this 11th day of December, 2009.


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

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

Attorney for Opposer
NATURE'S WAY PRODUCTS, INC.

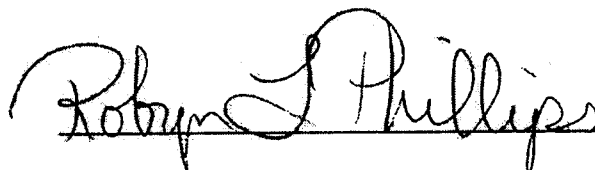
DATED this 11 day of December, 2009


Wayne LeBaron
President
Premier Alive, Inc.
811 East 11000 North
Cedar City, Utah 84721

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **NATURE'S WAY PRODUCTS, INC. AND PREMIER ALIVE INC.'S JOINT NOTICE OF DISMISSAL WITH PREJUDICE** was served on Opposer by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid this 14 day of December, 2009, in an envelope addressed as follows:

Wayne LeBaron
Premier Alive, Inc.
811 E. 11000 N.
Cedar City, UT 84721

A handwritten signature in cursive script that reads "Robyn J. Phillips". The signature is written in black ink and is positioned to the right of the typed address.

2602710v1