

ESTTA Tracking number: **ESTTA192164**

Filing date: **02/12/2008**

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

Proceeding	92048270
Party	Defendant General Nutrition Investment Company
Correspondence Address	Jennifer S. Sickler Gardere Wynne Sewell LLP 1000 Louisiana, Suite 3400 Houston, TX 77002-5007 UNITED STATES houston.ip@gardere.com
Submission	Other Motions/Papers
Filer's Name	Jennifer S. Sickler
Filer's e-mail	houston.ip@gardere.com, jsander@gardere.com
Signature	/Jennifer S. Sickler/
Date	02/12/2008
Attachments	Joint Stipulation.pdf ( 3 pages )(59675 bytes )

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

D. Stiles

Petitioner,

v.

GENERAL NUTRITION  
INVESTMENT COMPANY

Respondent.

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Trademark: ISLAND BERRIES

Registration No.: 2,712,051

Registration Date: April 29, 2003

Cancellation No. 92/048,270

**JOINT STIPULATION TO DISMISS  
THE PETITION FOR CANCELLATION WITH PREJUDICE**

On October 12, 2007, Petitioner filed its Petition For Cancellation of Trademark Registration No. 2,712,051 for ISLAND BERRIES.

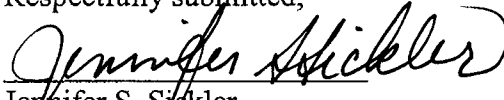
Petitioner and Respondent have reached a settlement, which is memorialized in the Settlement Agreement effective 2/7/08. Said Agreement grants Respondent the right to file this Joint Stipulation to Dismiss The Petition For Cancellation With Prejudice, and seek the withdrawal of Trademark Cancellation No. 92048270, with prejudice.

Therefore, the Parties file this joint stipulation to dismiss the petition for cancellation, with prejudice. The Parties respectfully request that the Board approve the dismissal, and enter this Stipulation as an order of the Board.

ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

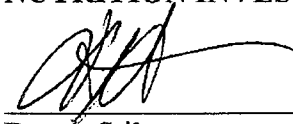
By: \_\_\_\_\_  
Trademark Trial and Appeal Board

Respectfully submitted,

  
Jennifer S. Sickler

**Gardere Wynne Sewell LLP**  
1000 Louisiana, Suite 3400  
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**ATTORNEYS FOR RESPONDENT GENERAL  
NUTRITION INVESTMENT COMPANY**

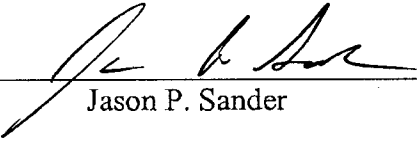


Donna Stiles  
5901 Warner Avenue #115  
Huntington Beach, California 92649  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_

**PETITIONER**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Petition for Cancellation was served on Donna Stiles, Petitioner, through certified mail/RRR on this 12 day of February, 2008.

  
\_\_\_\_\_  
Jason P. Sander