

ESTTA Tracking number: **ESTTA300802**

Filing date: **08/13/2009**

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

Proceeding	92050033
Party	Plaintiff Nature's Way Products, Inc.
Correspondence Address	Robyn L. Phillips WORKMAN NYDEGGER 60 East South Temple, Ste. 1000 Salt Lake City, UT 84111 UNITED STATES rphillips@wnlaw.com
Submission	Withdrawal of Cancellation
Filer's Name	Robyn L. Phillips
Filer's e-mail	rphillips@wnlaw.com
Signature	/Robyn L. Phillips/
Date	08/13/2009
Attachments	191 Notice of Dismissal.pdf ( 3 pages )(62204 bytes )

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

In the matter of Trademark Registration No. 3,194,667  
Registration Date: January 2, 2007  
Mark: ZACOL NMX with design  
International Class: 005

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**NATURE’S WAY PRODUCTS, INC.,** )

Petitioner, )

v. )

**COSMO TECHNOLOGIES, LTD.,** )

Registrant. )

Cancellation No. 92050033

**NOTICE OF DISMISSAL WITH  
PREJUDICE**

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Petitioner Nature’s Way Products, Inc. (“Nature’s Way”) hereby files this Notice of Dismissal of the above-captioned cancellation proceeding. Accordingly, Nature’s Way hereby withdraws the present cancellation, Cancellation No. 92050033, pursuant to 37 C.F.R. § 2.114(c), with prejudice.

DATED this 13<sup>th</sup> day of August, 2009.

**WORKMAN | NYDEGGER**

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

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Attorneys for Petitioner  
NATURE'S WAY PRODUCTS, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> day of August, 2009, a true and correct copy of the foregoing **NOTICE OF DISMISSAL WITH PREJUDICE** was served on Registrant by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid, in an envelope addressed as follows:

Joerg-Uwe Szipl  
Griffin & Szipl, P.C.  
2300 9th Street South  
Suite PH-1  
Arlington, Virginia 22304

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/Robyn L. Phillips/

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