



01-28-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #30

TTAB

UNITED STATES PATENT AND TRADEMARK
OFFICE

Trademark Trial and Appeal Board

2900 Crystal Drive

Arlington, Virginia 22202-3513

Mailed: January 13, 2003

Wetterau Incorporated

8920 Pershall Road
Hazelwood, MO 63042

Cancellation No. 92041402

Reg. No. 1932428

FELICIA G. TRAUB
c/o Colgate-Palmolive Co
300 PARK AVENUE
NEW YORK, NY 10022-7402

Colgate-Palmolive Co

V.

Wetterau Incorporated

Duion L. Walker, Legal Asssistant

A petition, a copy of which is attached, has been filed to
cancel the above-identified registration.

Proceedings will be conducted in accordance with the
Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Patent and Trademark Rule 1.7 for expiration date
falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the
Trademark Rules of Practice, set forth in Title 37, part 2,
of the Code of Federal Regulations. The parties are
reminded of the recent amendments to the Trademark Rules
that became effective October 9, 1998. See Notice of Final
Rulemaking published in the *Official Gazette* on September
29, 1998 at 1214 TMOG 145. Slight corrections to the
rules, resulting in a correction notice, were published in
the *Official Gazette* on October 20, 1998 at 1215 TMOG 64.
A copy of the recent amendments to the Trademark Rules, as

well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

Discovery and testimony periods are set as follows:

Discovery period to open: February 02, 2003

Discovery period to close: August 01, 2003

30-day testimony period for party
in position of plaintiff to close: October 30, 2003

30-day testimony period for party
in position of defendant to close: December 29, 2003

15-day rebuttal testimony period
for plaintiff to close: February 12, 2004

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

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

In the Matter of the Trademark Registration No. 1932428

Date Registered : November 7, 1995

U.S. Patent & TMOfc/TM Mail Rcpt. Dt. #57



002

COLGATE-PALMOLIVE COMPANY,
Petitioner,

v.

WETTERAU Incorporated.,
Registrant.

01-28-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #30

PETITION FOR
CANCELLATION

Cancellation No. 411402

Colgate-Palmolive Company, a Delaware Corporation located and doing

business at 300 Park Avenue, New York, New York 10022-7499 (hereafter "Petitioner")

believes that it is or will be damaged by Registration No. 1932428 and hereby petitions to
cancel the same.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" Mailing Label Number: EL686910268US Date of Deposit: August 16, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'EXPRESS MAIL POST OFFICE TO ADDRESSEE' Service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, Attention: Aretha Masterson

Warren Jemmott

(Typed or printed Name of Person Mailing Paper or Fee)

(Signature of Person Mailing Paper or Fee)

As grounds therefore, it is alleged that:

1. Wetterau Incorporated, a Missouri Corporation (hereafter "Registrant"), is the registrant of Registration No. 1932428 issued November 7 1995 for Nature's Best for the following goods:

JELLIES, PRESERVES, APPLE BUTTER, YOGURT, INSTANT DRY MILK, REGULAR AND MICROWAVE POPCORN, CANNED TOMATO SAUCES, APPLE SAUCE, PACKAGED DINNERS, NAMELY CHICKEN AND RICE, CHICKEN WITH BROCCOLI AND CHEESE, PROCESSED AND NATURAL CHEESE, FROZEN POTATOES, FROZEN VEGETABLES, FROZEN ONION RINGS, MARASCHINO CHERRIES, SNACK DIPS, BREADED CHICKEN NUGGET PATTIES, BREADED FISH FILLETS, LUNCHEON MEATS, NAMELY BOLGNA, SALAMI, PICKLE LOAF, OLIVE LOAF, PICKLE AND PIMENTO LOAF, HAM, TURKEY BREAST, TURKEY, TURKEY HAM, TURKEY BOLGNA, TURKEY PASTRAMI, TURKEY SALAMI, SLICED BEEF, SLICED CORN BEEF, SLICED PASTRAMI, SLICED TURKEY, SLICED HAM, SLICED CHICKEN, SLICED TURKEY HAM, FRANKFURTERS, BACON, HEN TURKEYS, TOM TURKEYS, PEPPERONI, COOKED HAM, VIRGINIA HAM, HONEY CURED HAM, ROAST BEEF, CORNED BEEF, PASTRAMI TOP ROUND, CLUB SANDWICH, CHILI DOG, BARBEQUE SANDWICH, HAM AND CHEESE SANDWICH, AMERICAN CHEESE (LOAF AND SLICED), SHARP CHEESE, MILD CHEESE, JACK WAX CHEESE, LONGHORN CHEESE, SWISS CHEESE, MOZZARELLA CHEESE, CHEDDAR CHEESE, PORT WINE CHEESE, CHEDDAR CHEESE BALL AND CHEESE LOGS IN INTERNATIONAL CLASS 29.

MARSHMELLOWS, MARSHMELLOW CREAM, AND COCONUT BAKING CHIPS IN INTERNATIONAL CLASS 30.

POWDERS FOR MAKING FRUIT DRINKS (TO WHICH WATER OR MILK IS ADDED), BOTTLED WATER, CANNED AND BOTTLED SOFT DRINKS IN INTERNATIONAL CLASS 32.

2. Upon information and belief, Registrant has completely discontinued all use of the mark NATURE'S BEST in its business without an intent to resume such use.

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