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

In the matter of trademark Registration No... 75441025
For the mark..... FIRST-BITE
Dated registered..... December 22, 1998

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[Redacted]

Hikari Sales USA, Inc.
v.
Ralston Purina Company Corporation Missouri

02-10-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

PETITION TO CANCEL

Hikari Sales USA, Inc., a California corporation;
2804 McCone Avenue
Hayward CA 94545

To the best of the petitioner's knowledge, the name and address of the current owner of the registration is Ralston Purina Company Corporation Missouri; Checkerboard Square St. Louis, MO 63164

The above-identified petitioner believes that it will be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for the cancellation are as follows:

- 1) Petitioner seeks to register "FIRST BITES" as a trademark with the USPTO and seeks trademark protection for same that will be un-obtainable without USPTO action
- 2) Petitioner's application for registration was denied because of prior mark registration of "FIRST-BITE" in the same class by the Ralston Purina Company Corporation Missouri
- 3) Based on personal representations by company personnel and market research, Ralston Purina Company Corporation Missouri no longer uses the "FIRST-BITE" trademark in commerce
- 4) Petitioner respectfully requests "FIRST-BITE" registration #75441025 be cancelled by USPTO for lack of use in commerce thereby affording petitioner the opportunity to secure registration for "FIRST BITES" as submitted.

By 

Christopher K. Clevers for,
Hikari Sales USA, Inc.
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Dated 02/05/2003

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(Signature)

Christopher Clevers

(Printed Name of Person Signing Certificate)

2/5/03

(Date)