

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

EARTH FRESH FOODS CORP., F/K/A GEMINI FOOD (1989)  
CORPORATION,

PETITIONER,

v.

PAULA T. LASKOWSKI,

REGISTRANT.

In re Registration No.  
2,187,762

Mark: HONEY BUNNY AND  
DESIGN

Cancellation No. \_\_\_\_\_

Box **TTAB FEE**  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513



PETITION TO CANCEL

Dear Sir:

Petitioner, Earthfresh Foods Corp. f/k/a Gemini Food (1989) Corporation, an Ontario corporation, believes it will be damaged by registration number 2,187,762 and therefore submits this petition to cancel the registration.

As grounds for cancellation, Petitioner alleges as follows:

1. On information and belief, Registrant has abandoned the mark by discontinuing use of the mark with an intention not to resume use.
2. As a separate ground for this petition, Petitioner is the owner of the mark HONEY BUNNY for fresh vegetables namely carrots and has used the mark in commerce between Canada and the United States since prior to September 21, 1997, the date of first use set forth in the registration and continues to use the mark in commerce.

09/15/2003 JBR00K51 00000000 2187762 The Registrant's mark so resembles Petitioner's mark or trade name previously

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HARTER • SECREST & EMERY • LLP  
ATTORNEYS AND COUNSELORS

WWW.HSELAW.COM

September 5, 2003



09-08-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Box TTAB FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: In re Registration No. 2,187,762  
Earthfresh Foods Corp. f/k/a Gemini Food (1989) Corporation v. Paula T.  
Laskowski  
Mark: HONEY BUNNY AND DESIGN

Dear Sir:

Enclosed please find Petitioner's Petition to Cancel in triplicate, together with our check in the amount of \$300.00 for the petition filing fee. The Commissioner is authorized to charge any additional fees or credit any overpayment to our Deposit Account 03-3875.

Very truly yours,

HARTER, SECREST & EMERY LLP

Stephen B. Salai

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SBS:abm  
Enclosure