

ESTTA Tracking number: **ESTTA423674**

Filing date: **08/05/2011**

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

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Jersey Shore Appetizer Company, LLC		
Entity	Corporation	Citizenship	New Jersey
Address	3351 Tremley Point Road Suite #2 Linden, NJ 07036 UNITED STATES		

Attorney information	Gregg A. Paradise Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090 UNITED STATES gparadise@ldlkm.com,litigation@ldlkm.com Phone:908-518-6323		
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### Registrations Subject to Cancellation

Registration No	1923858	Registration date	10/03/1995
Registrant	SARA LEE FOODS, LLC 3500 Lacey Road Downers Grove, IL 60515 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 029. First Use: 1975/00/00 First Use In Commerce: 1975/00/00 All goods and services in the class are cancelled, namely: kosher meats
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### Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	1939220	Registration date	12/05/1995
Registrant	SARA LEE FOODS, LLC 3500 Lacey Road Downers Grove, IL 60515 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 029. First Use: 1975/00/00 First Use In Commerce: 1975/00/00 All goods and services in the class are cancelled, namely: kosher meats
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### Grounds for Cancellation

Abandonment	Trademark Act section 14		
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Attachments	jersey shore sara lee petition.pdf ( 4 pages )(12504 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Gregg A. Paradise/
Name	Gregg A. Paradise
Date	08/05/2011

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

JERSEY SHORE APPETIZER COMPANY, LLC.,	:	
	:	
	:	Registration Nos. 1,923,858 and 1,939,220
Petitioner,	:	
	:	
v.	:	Marks: SHOFAR, and
	:	SHOFAR and Design
SARA LEE FOODS, LLC,	:	
	:	
	:	Cancellation No. _____
Respondent.	:	
_____	:	x

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITION FOR CANCELLATION**

Petitioner JERSEY SHORE APPETIZER COMPANY, LLC ("Petitioner"), requests cancellation of the above-identified registrations. The basis for cancellation is set forth below.

1. Petitioner is a New Jersey limited liability company with a business address of 3351 Tremley Point Road, Suite #2, Linden, New Jersey 07036.

2. Upon information and belief, Registrant SARA LEE FOODS, LLC ("Respondent"), is a Delaware limited liability company with a business address of 3500 Lacey Road, Downers Grove, Illinois 60515.

3. Upon information and belief, Respondent is the owner of U.S. Trademark Registration Nos. 1,923,858 ("the '858 Registration") and 1,939,220 ("the '220 Registration"). Both of Respondent's registrations identify the goods as "Kosher meats" in International Class 29.

4. Petitioner intends to use the mark SHOFAR and Design in connection with Kosher meats. Petitioner has filed a trademark application for the mark SHOFAR for use in connection with "Kosher meats" in International Class 29.

5. Upon information and belief, Respondent has ceased use of the marks identified in the '858 and '220 Registrations with the intent not to resume use, and Respondent has not used the SHOFAR and SHOFAR and Design marks in over three years.

6. Through Respondent's failure to use the '858 and '220 Registrations in connection with Kosher meats, Respondent abandoned all rights in and to the '858 and '220 Registrations. Therefore, Petitioner believes that the '858 and '220 Registrations should be cancelled due to abandonment pursuant to 15 U.S.C. §1064(3).

7. Petitioner believes that it will be damaged by the continued existence of the above-identified Registrations and hereby petitions to cancel same.

8. Please charge the fee of \$600 for a petition to cancel two registrations in one class each to Deposit Account No. 12-1095. The undersigned is authorized to make charges to said deposit account.

WHEREFORE, Petitioner prays that Registration Nos. 1,923,858 and 1,939,220 are cancelled.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
*Attorneys for Petitioner*  
*JERSEY SHORE APPETIZER*  
*COMPANY, LLC*  
600 South Avenue West  
Westfield, NJ 07090  
Tel.: (908) 654-5000  
Fax: (908) 654-7866

Dated: August 5, 2011

By:                   /Gregg A. Paradise/                    
Gregg A. Paradise

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Petition for Cancellation was served on August 5, 2011, by first-class mail, postage prepaid, on Respondent's attorney of record and designated correspondent, addressed as follows:

Mary Margaret Murray  
Sara Lee Corporation  
3500 Lacey Road  
Downers Grove, IL 60515

\_\_\_\_\_/Gregg A. Paradise/

Gregg A. Paradise