

ESTTA Tracking number: **ESTTA441183**

Filing date: **11/15/2011**

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	Spirited Sorbet		
Entity	limited liability company	Citizenship	Colorado
Address	1080 South Clayton Way Denver, CO 80209 UNITED STATES		

Attorney information	Leslie P. Kramer Faegre & Benson LLP 1700 Lincoln St 3200 Wells Fargo Center Denver, CO 80203 UNITED STATES trademarkdnvr@faegre.com, lkramer@faegre.com Phone:303-607-3500
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Registration Subject to Cancellation

Registration No	3736169	Registration date	01/12/2010
Registrant	karma 4 u inc. 2875 Greenrock Trail Atlanta, GA 30340 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2008/01/05 First Use In Commerce: 2008/01/05 All goods and services in the class are cancelled, namely: Cones for ice cream; Cones for icecream; Edible ices; Flavored ices; Frozen dessert consisting of fruit and cream or cream substitutes; Frozen yoghurt; Fruit ice; Fruit ice bar; Fruit ices; Ice cream; Ice cream drinks; Ice cream mixes; Ice cream sandwiches; Ice cream substitute; Ice-cream; Ice-cream cakes; Iced cakes; Ices and ice creams; Italian ice; Shaved ice confections; Water ice
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Karma Petition to Cancel.pdf (3 pages)(32266 bytes) Karma exhibit A.pdf (4 pages)(14260 bytes) Karma exhibit B.pdf (4 pages)(13320 bytes) Karma exhibit C.pdf (2 pages)(17575 bytes) Karma exhibit D.pdf (2 pages)(23176 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	/Leslie P. Kramer/
Name	Leslie P. Kramer
Date	11/15/2011

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

Spirited Sorbet

Petitioner,

v.

karma 4 u inc.,

Registrant.

Mark: **KARMA ICE CREAM AND
SORBET**

Registration No.: 3736169

Registration Date: January 12, 2010

PETITION FOR CANCELLATION

Spirited Sorbet (“Petitioner”), a limited liability company organized under the laws of the State of Colorado, having its principal place of business in Denver, Colorado, believes that it is or will be damaged by Registration No. 3736169, issued on January 12, 2010, and hereby petitions to cancel the same.

As grounds of this Petition for Cancellation, Petitioner alleges that:

1. Petitioner is the owner of the valid and subsisting U.S. Trademark Application No. 85/214507 for FRUIT KARMA. A printout from the USPTO TARR database evidencing the status of the application is attached hereto as Exhibit A. Petitioner has petitioned for revival of Application No. 85/214507.

2. karma 4 u inc. (“Registrant”) obtained a registration, under Registration No. 3736169, for the mark KARMA ICE CREAM AND SORBET in connection with the following goods: “Cones for ice cream; Cones for ice-cream; Edible ices; Flavored ices; Frozen dessert consisting of fruit and cream or cream substitutes; Frozen yoghurt; Fruit ice; Fruit ice bar; Fruit

ices; Ice cream; Ice cream drinks; Ice cream mixes; Ice cream sandwiches; Ice cream substitute; Ice-cream; Ice cream cakes; Iced cakes; Ices and ice creams; Italian ice; Shaved ice confections; Water ice” in International Class 030. On information and belief, the current address of Registrant is 2875 Greenrock Trail, Atlanta, Georgia 30340. A printout from the USPTO TARR database evidencing the status of the registration is attached hereto as Exhibit B.

3. Registrant’s registration for the mark KARMA ICE CREAM AND SORBET was issued January 12, 2010. Fewer than five years have passed since the registration issued, and the registration has not become incontestable pursuant to 15 U.S.C. § 1065.

4. Petitioner believes that Registrant has abandoned the registered mark by discontinuing use of the mark with no intent to resume use. An investigation conducted on November 15, 2011, via a search of the Internet with the Google search engine revealed no use of the mark (*see* Exhibit C). Furthermore, karma 4 u inc. was dissolved on August 20, 2011, according to the Georgia Secretary of State database (*see* Exhibit D). Therefore, upon information and belief, and as grounds for cancellation, it is believed that Registrant has abandoned the mark under 15 U.S.C. § 1064(3), as it is no longer using the registered mark in commerce and has ceased business operations.

5. Petitioner is likely to be damaged by the continuance of the registration in that Petitioner’s Application No. 85/214507 has been refused registration based on the registration.

WHEREFORE, Petitioner believes that it is and will be damaged by Registration No. 3736169, and prays that this registration for the mark KARMA ICE CREAM AND SORBET be cancelled in full and that this Petition for Cancellation be sustained.

Respectfully submitted,

Spirited Sorbet

By: 

Leslie P. Kramer
FAEGRE & BENSON LLP
3200 Wells Fargo Center
1700 Lincoln Street
Denver, Colorado 80203
Phone: (303) 607-3500
Fax: (303) 607-3600
Email: trademarkdnvr@faegre.com

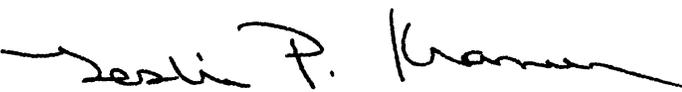
Attorneys for Petitioner
SPIRITED SORBET

November 15, 2011

fb.us.7611191.01

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing PETITION FOR CANCELLATION was served upon the party karma 4 u, inc., by mailing the same via first-class mail, postage prepaid, to karma 4 u inc., 2875 Greenrock Trail, Atlanta, Georgia 30340, this 15th day of November, 2011.



Leslie P. Kramer

EXHIBIT A

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-11-15 16:45:22 ET

Serial Number: 85214507 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

fruit karma

(words only): [FRUIT KARMA](#)

Standard Character claim: [Yes](#)

Current Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: [2011-10-27](#)

Filing Date: [2011-01-10](#)

Transformed into a National Application: [No](#)

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 112](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [M3X -TMO Law Office 112 - Examining Attorney Assigned](#)

Date In Location: [2011-10-27](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Spirited Sorbet](#)

Address:

Spirited Sorbet
1080 South Clayton Way
Denver, CO 80209
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: Colorado
Phone Number: (303) 881-3068

GOODS AND/OR SERVICES

International Class: 029
Class Status: Active
Frozen fruit confection, made of fruit, water and cane sugar
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-10-27 - Abandonment Notice Mailed - Failure To Respond
2011-10-27 - Abandonment - Failure To Respond Or Late Response
2011-03-31 - Notification Of Non-Final Action E-Mailed
2011-03-31 - Non-final action e-mailed
2011-03-31 - Non-Final Action Written
2011-03-29 - Assigned To Examiner
2011-01-13 - New Application Office Supplied Data Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

SPIRITED SORBET
SPIRITED SORBET
1080 S CLAYTON WAY
DENVER, CO 80209-5108
Phone Number: (303) 881-3068

EXHIBIT B

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-11-15 16:47:05 ET

Serial Number: 77683437 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3736169

Mark

Karma Ice Cream and Sorbet

(words only): [KARMA ICE CREAM AND SORBET](#)

Standard Character claim: [Yes](#)

Current Status: [Registered](#). The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: [2010-01-12](#)

Filing Date: [2009-03-04](#)

Filed as TEAS Plus Application: [Yes](#)

Currently TEAS Plus Application: [Yes](#)

Transformed into a National Application: [No](#)

Registration Date: [2010-01-12](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 106](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2010-01-12](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. karma 4 u inc.

Address:

karma 4 u inc.
2875 Greenrock Trail
Atlanta, GA 30340
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Georgia**Phone Number:** 404-551-4900**Fax Number:** 509-931-0797

GOODS AND/OR SERVICES

International Class: 030**Class Status:** Active

Cones for ice cream; Cones for icecream; Edible ices; Flavored ices; Frozen dessert consisting of fruit and cream or cream substitutes; Frozen yoghurt; Fruit ice; Fruit ice bar; Fruit ices; Ice cream; Ice cream drinks; Ice cream mixes; Ice cream sandwiches; Ice cream substitute; Ice-cream; Ice-cream cakes; Iced cakes; Ices and ice creams; Italian ice; Shaved ice confections; Water ice

Basis: 1(a)**First Use Date:** 2008-01-05**First Use in Commerce Date:** 2008-01-05

ADDITIONAL INFORMATION

Disclaimer: "ICE CREAM AND SORBET"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-01-12 - Registered - Principal Register

2009-10-27 - Notice Of Actual Publication E-Mailed

2009-10-27 - Published for opposition

2009-09-23 - Law Office Publication Review Completed

2009-09-23 - Assigned To LIE

2009-09-12 - Approved for Pub - Principal Register (Initial exam)

2009-09-11 - Teas/Email Correspondence Entered
2009-09-10 - Communication received from applicant
2009-09-10 - TEAS Response to Office Action Received
2009-06-04 - Notification Of Non-Final Action E-Mailed
2009-06-04 - Non-final action e-mailed
2009-06-04 - Non-Final Action Written
2009-05-27 - Assigned To Examiner
2009-03-09 - New Application Office Supplied Data Entered In Tram
2009-03-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

KARMA 4 U INC.
KARMA 4 U INC.
2875 GREENROCK TRL
ATLANTA, GA 30340-5013
Phone Number: 404-551-4900
Fax Number: 509-931-0797

EXHIBIT C



"karma ice cream and sorbet"

Search

Google SafeSearch is ON

8 results

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[KARMA ICE CREAM AND SORBET - Trademarks411, Free Trademark Search ...](#)

The trademark **KARMA ICE CREAM AND SORBET** was filed on 2009-03-04 and assigned serial number 77683437.

www.trademarks411.com/.../77683437-karma-ice-cream-and-sorbet - [Cached](#) - [Similar](#)

[Trademark information for KARMA ICE CREAM AND SORBET from USPTO ...](#)

Trademark information for **KARMA ICE CREAM AND SORBET**, owned by karma 4 u inc... trademark.markify.com/trademarks/uspto/karma+ice.../77683437 - [Cached](#) - [Similar](#)

[77683437|karmaicecreamandsorb - Trademark Details](#)

KARMA ICE CREAM AND SORBET Socialmedia UserName. ... Mark: **KARMA ICE CREAM AND SORBET**. Latest Owner: KARMA 4 U Inc. 2875 Greenrock Trail Atlanta , 30340 ... socialmedia.trademarkia.com/.../username-karma-ice-cream-and-sorbet-77683437.htm - [Cached](#) - [Similar](#)

[sorbet - Brands and User Name on all Social Media](#)

KARMA ICE CREAM AND SORBET is Checking... on Facebook. UserName Check on ...

socialmedia.trademarkia.com/.../username-search.aspx?sw...page... - [Cached](#) - [Similar](#)

[Trademarks of KARMA 4 U Inc. \(2 trademarks\)](#)

Details **KARMA ICE CREAM AND SORBET**. IT'S ALL ABOUT THE WATER. DEAD (Circa ...

www.trademarkia.com/company-karma-4-u-inc-673351-page-1-2 - [Cached](#) - [Similar](#)

[KARMA ICE CREAM AND SORBET Brand - FindOwnerSearch](#)

KARMA ICE CREAM AND SORBET Cones for ice cream; Cones for icecream; Edible ices; Flavored ices; Frozen dessert consisting of fruit and cream or cream ...

www.findownersearch.com/karma-ice-cream-and-sorbet-8676858-brand.html - [Cached](#) - [Similar](#)

[icecream Logo - LogosDatabase.com](#)

SAEC view more CHOI, Moon Hee logos. **KARMA ICE CREAM AND SORBET** logo ·

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[Patent Publication June 23, 1965, Page 78](#)

Results 771 - 780 of 790 ... US 77683437 - **KARMA ICE CREAM AND SORBET** Karma 4 U Inc. Corporation (January 2010) WIPO 1027395 - brandkarma Brand Karma Ip Pty ... patent.ipexl.com/date/19650623_78.html - [Cached](#) - [Similar](#)

"karma ice cream and sorbet"

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EXHIBIT D



Georgia Secretary of State Brian P. Kemp

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Date: 11/15/2011
(Annual Registration History etc.)

Business Name History

Name	Name Type
KARMA 4 U INC.	Current Name

Profit Corporation - Domestic - Information

Control No.: 07004329
Status: Admin. Dissolved
Entity Creation Date: 1/16/2007
Dissolve Date: 8/20/2011
Jurisdiction: GA
Principal Office Address: 2875 greenrock trail atlanta GA 30340

Registered Agent

Agent Name: [martin, john s](#)
Office Address: 2875 greenrock trail atlanta GA 30340
Agent County: Dekalb

Officers

Title: Incorporator
Name: john s martin
Address: 2875 greenrock trail atlanta GA 30340