

ESTTA Tracking number: **ESTTA482084**

Filing date: **07/06/2012**

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	Bob Evans Farms, Inc.		
Entity	Corporation	Citizenship	Ohio
Address	3776 South High Street Columbus, OH 43207 UNITED STATES		

Attorney information	Cory M. Amron Vorys, Sater, Seymour and Pease LLP PO Box 2255 IPLaw@Vorys Columbus, OH 43216 UNITED STATES iplaw@vorys.com Phone:202.467.8800		
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Registration Subject to Cancellation

Registration No	3749662	Registration date	02/16/2010
Registrant	Kazo Kitchen 51 Gwynns Mill Court Owings Mills, MD 21117 UNITED STATES		

Goods/Services Subject to Cancellation

Class 043. First Use: 2008/09/12 First Use In Commerce: 2008/09/12 All goods and services in the class are cancelled, namely: Restaurant services
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Grounds for Cancellation

Abandonment	Trademark Act section 14
Other	Application never verified and thus void ab initio

Attachments	Cancellation- SEE WHATS COOKING.pdf (4 pages)(28991 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	/Chris Ott/
Name	Christopher M. Ott

Date	07/06/2012
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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:

- SEE WHAT'S COOKING, Registration No. 3,749,662

Filing date: July 13, 2009

Registration date: February 16, 2010

BOB EVANS FARMS, INC., <p style="text-align:right">Petitioner,</p> <p style="text-align:center">v.</p> KAZO KITCHEN, <p style="text-align:right">Registrant.</p>	Cancellation No. _____
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PETITION TO CANCEL

Bob Evans Farms, Inc. ("Petitioner"), an Ohio corporation located at 3776 South High Street Columbus, Ohio 43207.

To the best of Petitioner's knowledge, Kazo Kitchen ("Registrant") is a Maryland corporation located at 51 Gwynns Mill Court, Owings, Maryland 21117 and purports to own U.S. Trademark Registration No. 3,749,662 (the "Registration") for the mark SEE WHAT'S COOKING ("Registrant's Mark").

Petitioner believes that it is and will continue to be damaged by the Registration and petitions to cancel it as set forth below.

FACTUAL BACKGROUND

1. Petitioner is a nationwide restaurant chain operating more than 500 restaurants in 19 states.

2. Petitioner has used the mark COME SEE WHAT'S COOKING in connection with its restaurant services since at least as early as August 18, 2011.

3. On July 13, 2009, Registrant filed the application for Registrant's Mark that ultimately matured to the Registration for use with *restaurant services* ("Registrant's Services"), based on use of that mark in commerce.

4. The Application was published for opposition on December 1, 2009 and the Registration Certificate issued on February 16, 2010.

ABANDONMENT

5. Upon information and belief, Registrant has abandoned Registrant's Mark and has no intention to resume its use.

APPLICATION NEVER VERIFIED

6. Registrant's application that matured to the Registration was never verified with a declaration and is therefore void ab initio.

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THEREFORE, Petitioner prays that the Trademark Trial and Appeal Board sustain this Petition and cancel Registration No. 3,749,662 for SEE WHAT'S COOKING.

The required fee accompanies this Petition. Please charge any additional fees to Deposit Account No. 22-0585.

Please recognize Cory M. Amron, William H. Oldach III, Christopher M. Ott, and Richard S. Donnell, all members of the bar of the District of Columbia, and the firm of Vorys, Sater, Seymour and Pease, LLP, as Petitioner's attorneys to prosecute this Petition to Cancel.

Respectfully submitted,



7.6.2012
Date: _____

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Attorney for Petitioner
BOB EVANS FARMS, INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Petition to Cancel was served on July 6, 2012, by first-class United States Mail, postage prepaid, on:

President
Kazo Kitchen
51 Gwynns Mill Court
Owings Mills, MD 21117



Christopher M. Ott