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Filing date: **11/29/2013**

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	H & M Baking, LLC		
Entity	Limited Liability Company	Citizenship	Texas
Address	8728 Westpark Drive Houston, TX 77063 UNITED STATES		

Attorney information	Richard A. Schafer Wong, Cabello, Lutsch, Rutherford & Brucculeri, LLP 20333 SH 249, Suite 600 Houston, TX 77070 UNITED STATES trademark@counselip.com Phone:832-446-2400		
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Registration Subject to Cancellation

Registration No	4049553	Registration date	11/01/2011
Registrant	Berthelsen, Geir Johan oydegaards vei 11 Kristiansand, NOX NOX		

Goods/Services Subject to Cancellation

Class 030. First Use: 2011/08/15 First Use In Commerce: 2011/08/15 All goods and services in the class are cancelled, namely: Bread
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	SLOWBREAD petition to cancel.pdf(20691 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	/Richard A. Schafer/
Name	Richard A. Schafer
Date	11/29/2013

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

In re Registration No. 4,049,553	§	
	§	Cancellation No.: _____
	§	
Mark:: SLOWBREAD	§	
	§	
Registered: November 1, 2011	§	
	§	
H & M Baking, LLC,	§	
	§	
Petitioner,	§	
v.	§	Docket No. 1304-0002US
	§	
Geir Berthelsen,	§	
	§	
Registrant	§	

PETITION FOR CANCELLATION

H & M Baking, LLC (“Petitioner”), a Texas limited liability corporation having its principal place of business at 8728 Westpark Drive, Houston, TX 77063, believes that it is damaged by Registration No. 4,049,553, and hereby petitions to cancel the same under the provisions of 15 U.S.C. §1064(3). As grounds for cancellation, Petitioner asserts that:

1. Petitioner is an artisan baker of bread products sold in grocery stores and other retail establishments.

2. Upon information and belief, Geir Berthelsen (“Registrant”) is an individual citizen of Norway, having an address of Johan oydegards vei 11, Kristiansand, Norway.

3. On February 21, 2008, Registrant filed an application to register the mark SLOWBREAD (as a standard character mark) under sections 1(b) of the Lanham Act, 15 U.S.C.

Petition to Cancel US. Reg. No. 4,049,553

§1051(a) for “Bread” in International Clas 30. On August 25, 2011, Registrant filed a Statement of Use alleging a first use of the mark anywhere and in commerce at least as early as August 15, 2011. Based on that Statement, Registrant obtained U.S. Registration No. 4,049,553 (the “Registration”), which issued on November 1, 2011 for the term SLOWBREAD used on bread in International Class 30.

4. On February 9, 2013, Petitioner filed Application Serial No. 85/845,545 to register the mark “SLOW DOUGH” on the Principal Register for “Baguettes; Bakery products; Bread; Bread and buns; Bread doughs; Bread flavoured with spices; Bread rolls; Bread sticks; Breadsticks; Brioches; Buns; Crisp bread; Croutons; Dough; Food leavening agents; Fresh pizza; Frozen breads; Frozen dough for use as pizza, bread or other bread-type products; Garlic bread; Hoagies; Kolaches; Low-salt bread; Muffins; Panini; Pizza crust; Pizza dough; Potato rolls; Pretzels; Rolls; Salt crackers; Scones; Soft pretzels; Wholemeal bread,” all in International Class 30, based on Petitioner’s first use of the mark anywhere at least as early as January 15, 2009 and in commerce at least as early as May 1, 2009.

5. On May 29, 2013, the United States Patent and Trademark Office refused registration of the trademark SLOW DOUGH, citing a likelihood of confusion with the Registration.

Basis for Cancellation: Abandonment

6. Upon information and belief, Registrant is not currently offering bread under the SLOWBREAD trademark.

7. Upon information and belief, Registrant intends not to resume bona fide use of the SLOWBREAD trademark in the ordinary course of trade.

8. Registrant has abandoned the SLOWBREAD trademark.

WHEREFORE, Petitioner prays that Registration No. 4,049,553 be cancelled pursuant to 15 U.S.C. §1064(3) because the SLOWBREAD trademark has been abandoned by Registrant.

Respectfully submitted,

November 29, 2013

Filed Electronically

/Richard A. Schafer/
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Certificate of Service

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation has been served on Geir Berthelsen by mailing said copy on November 27, 2013, via First Class Mail, postage prepaid to: Geir Berthelsen, Johan oydegaards vei 11, Kristiansand, Norway.

/Richard A. Schafer/
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