

ESTTA Tracking number: **ESTTA586828**

Filing date: **02/12/2014**

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	International Biscuits & Confections, Inc.		
Entity	Corporation	Citizenship	NJ
Address	66 N. Main Street Medford, NJ 08055 UNITED STATES		

Attorney information	Janet E. Justmann Hinckley Allen & Snyder LLP 28 State Street Boston, MA 02109-1775 UNITED STATES tmdocket@hinckleyallen.com Phone:617-345-9000		
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Registration Subject to Cancellation

Registration No	2250156	Registration date	06/01/1999
Registrant	CFP CHOCOLATE HOLDINGS LLC 3530 WILSHIRE BLVD, SUITE 1610 LOS ANGELES, CA 90010 CANADA		

Goods/Services Subject to Cancellation

Class 030. First Use: 1999/01/08 First Use In Commerce: 1999/01/08 All goods and services in the class are cancelled, namely: desserts, namely, chocolate, bakery goods and frozen confections
Class 042. First Use: 1999/01/08 First Use In Commerce: 1999/01/08 All goods and services in the class are cancelled, namely: catering services in the nature of custom designed desserts

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	DESSERTS A LA CARTE Petition to Cancel.pdf(11887 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 Overnight Courier on this date.

Signature	/Janet E Justmann/
Name	Janet E. Justmann
Date	02/12/2014

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

_____)	
International Biscuits & Confections, Inc.)	
)	
Petitioner,)	Cancellation No. _____
v.)	Trademark: DESSERTS A LA CARTE
)	Registration No.: 2,250,156
CFP Chocolate Holdings, LLC)	Date of Issue: June 1, 1999
)	
)	
Registrant.)	
_____)	

PETITION FOR CANCELLATION

Petitioner, International Biscuits & Confections, Inc. (“Petitioner”), a corporation organized and existing under the laws of the State of New Jersey and located at 66 N. Main Street, Medford, NJ 08055, believes that it will be damaged by United States Trademark Registration No. 2,250,156, issued on June 1, 1999 to Chocolates à la Carte, Inc. and subsequently assigned to CFP Chocolate Holdings, LLC (“Respondent”), and hereby petitions to cancel same pursuant to Section 14(3) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064(3).

Respondent’s registration for the mark DESSERTS A LA CARTE is registered on the Principal Register, in International Classes 30 and 42 for the following goods and services:

Desserts, namely chocolate, bakery goods and frozen confections, in Class 30

Catering services in the nature of custom designed desserts, in Class 42

To the best of Petitioner's knowledge, the name and address of the current owner of the registration is: 3530 Wilshire Blvd., Suite 1610, Los Angeles, CA 90010.

As grounds for this Petition, Petitioner alleges as follows:

1. Petitioner is the owner of pending application Serial Nos. 85/860,414 for the mark BISCUITS A LA CARTE (the "Application").

2. The mark DESSERTS A LA CARTE in Registration No. 2,250,156 has been cited under Section 2(d) of the Trademark Act as a basis for refusing registration of Petitioner's mark that is the subject of the Application.

3. Upon information and belief, the Respondent has abandoned the DESSERTS A LA CARTE mark which is the subject of Registration No 2,250,156 by discontinued use of said mark with no intent to resume said use.

4. The Petitioner has been and will continue to be damaged by continuance of said Registration No. 2,250,156 in that the Petitioner will be unable to obtain registration of the Application on the Principal Register and obtain the procedural and evidentiary advantages and presumptions that result therefrom so long as the registration sought to be cancelled herein is maintained on the Register, despite the abandonment of the mark DESSERTS A LA CARTE by the Respondent.

5. In addition, so long as Registration No. 2,250,156 sought to be cancelled herein is maintained, the Petitioner will be unable to effectively enforce its trademark rights and interests in the mark as shown in the Application against third parties and the Petitioner will be subjected to damage thereby.

WHEREFORE, the Petitioner requests that the Petition for Cancellation be sustained and that trademark Registration No. 2,250,156, issued June 1, 1999, be cancelled.

Dated: February 12, 2014

Respectfully submitted,

International Biscuits & Confections, Inc.

By: /Janet E. Justmann/

Janet E. Justmann

Deborah L. Benson

HINCKLEY, ALLEN & SNYDER LLP

28 State Street

Boston, MA 02109

(617) 345-9000

CERTIFICATE OF SERVICE

I, Andrea J. Mealey, hereby certify that this 12th day of February 2014, I served a true and accurate copy of the foregoing Petition for Cancellation, via Federal Express Overnight Mail, postage prepaid upon Registrant, 3530 Wilshire Blvd., Suite 1610, Los Angeles, CA, 90010.

/Andrea J. Mealey/
Andrea J. Mealey
28 State Street
Boston, MA 02109-1775