

ESTTA Tracking number: **ESTTA629229**

Filing date: **09/25/2014**

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	Wellspring Community		
Entity	nonprofit corporation	Citizenship	Colorado
Address	826 Park Street, Suite 200 Castle Rock, CO 80109 UNITED STATES		

Attorney information	Emily C. Holmes Brownstein Hyatt Farber Schreck, LLP 410 Seventeenth Street, Ste. 200 Denver, CO 80202 UNITED STATES eholmes@bhfs.com, dnipdocket@bhfs.com Phone:303.223.1142
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Registration Subject to Cancellation

Registration No	3949738	Registration date	04/26/2011
Registrant	Alan Ronay 5918 Skimmer Point Blvd S Gulfport, FL 33707 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2008/04/04 First Use In Commerce: 2008/10/11 All goods and services in the class are cancelled, namely: On-line retail gift shops; retail pet stores

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Cancellation - BEST BUDDIES.pdf(701602 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	/emilycholmes/
Name	Emily C. Holmes
Date	09/25/2014

dog treats, cookies, brownies, and other items, under Application Serial Number 86/186,848 (the “Wellspring Mark”).

3. Wellspring has engaged in continuous use of the Wellspring Mark in connection with dog treats and other products since it commenced use of the Wellspring Mark in January 2008.

4. On August 6, 2009, Ronay filed a federal trademark application for the mark BEST BUDDIES BAKERY for use with retail pet stores in International Class 35 (the “Ronay Mark”), which matured to registration on April 26, 2011.

THE RONAY MARK HAS BEEN ABANDONED

7. The Ronay Mark has been abandoned due to nonuse with intent not to resume use and should be cancelled pursuant to 15 U.S.C. § 1064 and 15 U.S.C. § 1127.

8. During the prosecution of its trademark application for the Ronay Mark, Ronay claimed that it began using the Ronay Mark with reference to its pet boutique on April 4, 2008.

9. Upon information and belief, and upon investigation, Ronay is not currently operating a pet boutique under the Ronay Mark.

10. Upon information and belief, Ronay has not operated a pet boutique under the Ronay Mark for at least the past year.

11. Upon information and belief, and upon investigation, Ronay is not currently operating any pet boutique or offering any pet products, whether online or by brick and mortar, under the Ronay Mark, and has not for a period of at least the past year.

12. Upon information and belief, Ronay does not have a good faith intent to resume bona fide use of the Ronay Mark in the ordinary course of trade with the goods set forth in the registration for the Ronay Mark.

13. For example, and upon information and belief, Best Buddies Dog Boutique and Bakery, Inc. is not an active entity. The business's corporate registration with the Florida Secretary of State lapsed due to voluntary dissolution filed on October 10, 2013. Therefore, on information and belief, the entity is not currently using the Ronay Mark and does not have plans to resume use of the Ronay Mark.

14. In light of the foregoing, the Board should cancel the registration of the Ronay Mark pursuant to 15 U.S.C. § 1064 and 15 U.S.C. § 1127.

WHEREFORE, Wellspring respectfully requests that U.S. Trademark Registration No. 3,949,738 be cancelled, and that this Petition to Cancel be sustained in favor of Wellspring.

Respectfully submitted,

Dated: September 25, 2014

By: 

Emily C. Holmes
Brownstein Hyatt Farber Schreck, LLP
410 17th Street, Suite 2200
Denver, CO 80202
eholmes@bhfs.com

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I, Dawn R. Sullivan, hereby certify that on September 25, 2014, I served the foregoing Petition for Cancellation upon the following person(s) via U.S. mail:

Alan Ronay
5918 Skimmer Point Blvd
Gulfport, Florida 33707-3938



Dawn R. Sullivan
Brownstein Hyatt Farber Schreck, LLP
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