

ESTTA Tracking number: **ESTTA636856**

Filing date: **11/04/2014**

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	SFM, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	11811 N. Tatum Blvd Phoenix, AZ 85028 UNITED STATES		

Attorney information	Nicole M. Murray Quarles & Brady LLP 300 N. LaSalle St., Suite 4000 Chicago, IL 60654 UNITED STATES tm-dept@quarles.com, nicole.murray@quarles.com, christian.stahl@quarles.com		
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Registration Subject to Cancellation

Registration No	3708453	Registration date	11/10/2009
Registrant	Corcamore, LLC 1189 Crim Road Bridgewater, NJ 08807 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2008/05/01 First Use In Commerce: 2008/05/01 All goods and services in the class are cancelled, namely: Vending machine services

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2798632	Application Date	12/11/2001
Registration Date	12/23/2003	Foreign Priority Date	NONE
Word Mark	SPROUTS FARMERS MARKET		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 035. First use: First Use: 2002/04/15 First Use In Commerce: 2002/04/15 Retail grocery store services		
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U.S. Registration No.	3322841	Application Date	01/11/2007
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Registration Date	10/30/2007	Foreign Priority Date	NONE
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Word Mark	SPROUTS		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 035. First use: First Use: 2002/04/15 First Use In Commerce: 2002/04/15 Retail Grocery Store Services		
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U.S. Registration No.	4002187	Application Date	12/14/2010
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Registration Date	07/26/2011	Foreign Priority Date	NONE
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Word Mark	SPROUTS FARMERS MARKET		
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Design Mark			
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Description of Mark	<p>The mark consists of the wording "SPROUTS FARMERS MARKET" in green lettering. The lettering "SPROUTS" is outlined in silver. Above the wording is the stylized design of fruit specifically purple grapes, a slice of watermelon which is pink, green and black, a light brown pear with a brown stem, a green lime, a yellowlemon, an orange colored orange, two red apples with brown stems, a light greenapple with a brown stem, two red strawberries with green stems, a brown and black pineapple with a green stem, a light green pear with a black stem and a bunchof yellow bananas. All of the fruits are lined in black. The color white is used for shading and background and is not part of the mark.</p>		
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Goods/Services	Class 035. First use: First Use: 2007/12/00 First Use In Commerce: 2007/12/00 retail grocery stores
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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	/Nicole M. Murray/
Name	Nicole M. Murray
Date	11/04/2014

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

In the Matter of Registration No. 3,708,453
Mark: SPROUT
Date of Registration: November 10, 2009

SFM, LLC)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
CORCAMORE, LLC)	
)	
Respondent.)	

PETITION FOR CANCELLATION

Petitioner, SFM, LLC (“Sprouts”), a Delaware limited liability company located and doing business at 11811 N. Tatum Blvd., Phoenix, Arizona 85028, believes that it is and will continue to be damaged by Registration No. 3,708,453 and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged that:

1. Since at least as early as 2002, Sprouts (and its predecessors in interest) has offered retail grocery store services under the SPROUTS family of trademarks. Sprouts is one of the leading healthy grocery stores in the United States.
2. Upon information and belief, Respondent Corcamore, LLC is a New Jersey limited liability company located and doing business at 1189 Crim Road, Bridgewater, New Jersey.
3. Respondent registered the trademark SPROUT, Registration No. 3,708,453, for use in connection with “vending machine services” in International Class 35, on November 10, 2009.

4. Upon information and belief, Respondent did not make use of the trademark SPROUT prior to May 1, 2008, the date of first use claimed in the registration sought to be canceled.

5. Sprouts is the owner of multiple federal trademark registrations, including Registration Nos. 2,798,632; 3,322,841; and 4,002,187. Sprouts' rights in its SPROUTS trademarks are superior to any rights Respondent may have in the mark SPROUT. Sprouts began using its mark prior to the date of first use claimed in the registration sought to be canceled herein.

6. Respondent's SPROUT mark is nearly identical in sound, appearance and commercial impression to Petitioner's mark. Thus, when applied to the goods of Respondent, it is likely to cause confusion or mistake, or to deceive the purchasing public. Because the goods sold under Petitioner's trademark and Respondent's trademark are substantially similar, purchasers will be led to the mistaken belief that Petitioner's goods and Respondent's goods originate from the same source, or that Respondent's use of SPROUT has been sponsored, authorized, or warranted by Petitioner, all to Petitioner's detriment.

7. Sprouts has expended substantial amounts of money, time and effort in advertising, promoting and popularizing its SPROUTS trademarks and in preserving the good will associated therewith. The trade and purchasing public have come to know Sprouts' trademarks and recognize that any goods or services so marked originate with Sprouts. Respondent's use of an identical mark for the same goods will cause confusion and deception, and has impaired Sprouts' ability to conduct its business in certain channels of trade.

8. The contemporaneous use by Respondent of SPROUT will dilute and impair Sprouts' trademark and trademark rights. Over time, Respondent's registration will cause

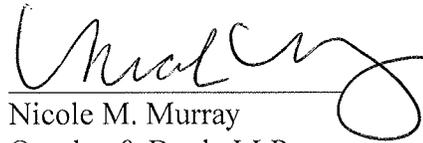
Sprouts' marks to lose their distinctiveness and exclusivity and will result in the inability of Sprouts' marks to function as sources or indications of origin.

9. Based upon the foregoing, Registration No. 3,708,453 is causing injury and damage to Sprouts.

WHEREFORE, Petitioner requests that Registration No. 3,708,453 for use in connection with "vending machine services" in International Class 35, be canceled and this Petition for Cancellation be sustained.

Dated: November 4, 2014

By:



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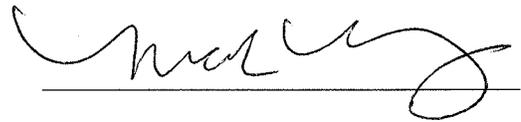
Attorneys for SFM, LLC

CERTIFICATE OF SERVICE

I certify that on November 4, 2014, a true and correct copy of the foregoing Petition for Cancellation was served via U.S. Mail upon the following:

Corcamore, LLC
1189 Crim Road
Bridgewater, NJ 08807

Josh Gerben
Gerben Law Firm, PLLC
1050 Connecticut Ave NW
10th Floor
Washington, DC 20036

A handwritten signature in black ink, appearing to read "M. Gerben", is written over a horizontal line.