

ESTTA Tracking number: **ESTTA667035**

Filing date: **04/16/2015**

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	Bloom Flower Bar, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	11906 San Vicente Boulevard Los Angeles, CA 90049 UNITED STATES		

Attorney information	Stephen J. Strauss Fulwider Patton LLP 6060 Center Drive Tenth Floor Los Angeles, CA 90045 UNITED STATES docketla@fulpat.com, aharvey@fulpat.com, sstrauss@fulpat.com Phone:310-824-5555		
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Registration Subject to Cancellation

Registration No	4261110	Registration date	12/18/2012
Registrant	Parham, Constance C. 6309 Brownlee Dr. Nashville, TN 37205 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2012/04/26 First Use In Commerce: 2012/04/26 All goods and services in the class are cancelled, namely: Education services, namely, providing mentoring, tutoring, classes, seminars and workshops in the field of planting andfloral arrangement

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	110 - Petition for Cancellation.pdf(44510 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	/Stephen J. Strauss/
Name	Stephen J. Strauss

Date	04/16/2015
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In the Matter of: Registration No. 4,261,110
Date of Issue: December 18, 2012

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

BLOOM FLOWER BAR, INC.,

Petitioner,

v.

CONSTANCE C. PARHAM,

Registrant.

Cancellation No.:

PETITION FOR CANCELLATION

Bloom Flower Bar, Inc., a Delaware corporation, having a place of business at 11906 San Vicente Boulevard, Los Angeles, California 90049, believes that it will be damaged by Registration No. 4,261,110 and hereby petitions to cancel same.

As grounds for this petition, it is alleged upon information and belief that:

1. The Registrant has obtained United States Trademark Registration No. 4,261,110 for the mark FLOURISH A UNIQUE GARDENING EXPERIENCE for "education services, namely, providing mentoring, tutoring, classes, seminars and workshops in the field of planting and floral arrangement" in International Class 41, issued on December 18, 2012.

2. Petitioner filed two service mark applications with the United States Patent and Trademark Office on November 18, 2014 covering the marks  [FLEURISH WHERE YOU ARE THE FLEURIST and Design] (Application Serial No. 86/457,671) and  [FLEURISH and Design] (Application Serial No. 86/457,718) for "conducting workshops and

seminars in flowers and floral arrangements; Do-It-Yourself studios that provide the use of supplies and equipment to individuals for making their own floral arrangements; instruction in the field of flowers and floral arrangements; arranging, organizing, conducting, and hosting social entertainment events; entertainment services, namely, conducting parties" in International Class 35 (hereinafter collectively referred to as the "FLEURISH Design Marks").

3. The Patent and Trademark Office has issued Office Actions refusing to register Petitioner's FLEURISH Design Marks on the ground that they are confusingly similar to Registrant's FLOURISH A UNIQUE GARDENING EXPERIENCE registration.

4. Upon information and belief, Petitioner alleges that Registrant has completely abandoned all use of the FLOURISH A UNIQUE GARDENING EXPERIENCE mark and has no intention of any kind of reviving use of the mark in its business.

5. Petitioner is damaged and will continue to be damaged because Registrant's continued registration of the FLOURISH A UNIQUE GARDENING EXPERIENCE mark stands as a bar to Petitioner's ability to federally register and protect its FLEURISH Design Marks for the services identified in paragraph 2 above.

WHEREFORE, Petitioner prays that Registration No. 4,261,110 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully submitted,

BLOOM FLOWER BAR, INC.

Dated: April 16, 2015

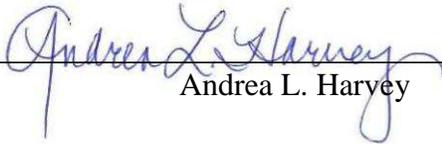
By: _____

Its Counsel
Stephen J. Strauss
FULWIDER PATTON LLP
6060 Center Drive, Tenth Floor
Los Angeles, California 90045
(310) 824-5555

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing PETITION FOR CANCELLATION upon Registrant by depositing one copy thereof in the United States Mail with First Class postage affixed thereon on April 16, 2015, addressed as follows:

Ms. Constance C. Parham
6309 Brownlee Drive,
Nashville, Tennessee 37205


Andrea L. Harvey