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Filing date: **06/30/2015**

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	Conopco, Inc.		
Entity	Corporation	Citizenship	New York
Address	700 Sylvan Avenue Englewood Cliffs, NJ 07632 UNITED STATES		

Attorney information	Lisa W. Rosaya, Lindsey Utrata Baker & McKenzie LLP 452 Fifth Avenue New York, NY 10018 UNITED STATES Lisa.Rosaya@bakermckenzie.com, Lindsey.Utrata@bakermckenzie.com, NYC-Trademarks@bakermckenzie.com Phone:212.626.4557		
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Registration Subject to Cancellation

Registration No	4425792	Registration date	10/29/2013
Registrant	The FRS Company 1810 Gateway Drive, Suite 150 San Mateo, CA 94404 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 2009/03/00 First Use In Commerce: 2009/03/00 All goods and services in the class are cancelled, namely: Nutritional supplements; nutritionally fortified beverages; powdered nutritional supplement drink mix and concentrate; nutritionally fortified soft chews
Class 032. First Use: 2009/03/00 First Use In Commerce: 2009/03/00 All goods and services in the class are cancelled, namely: Non-alcoholic beverages, namely, energy-drinks, fruit-flavored beverages, and sports drinks; concentrates and powders used in the preparation of energy drinks and fruit-flavored beverages

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation for Reg. No. 4425792_BE MORE.pdf(268370 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	/LEU/
Name	Lisa W. Rosaya, Lindsey Utrata
Date	06/30/2015

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

Conopco, Inc.)	
Petitioner,)	
)	Cancellation No.: _____
v.)	Mark: BE MORE
)	Registration No. 4425792
The FRS Company)	Registered: October 29, 2013
Registrant.)	International Classes: 5 and 32
)	

PETITION FOR CANCELLATION

Petitioner, Conopco, Inc., a corporation organized under the laws of New York, whose business address is 700 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, United States of America (hereinafter "Petitioner"), believes that it is and will be damaged by Registration No. 4425792 for the mark **BE MORE**, owned by The FRS Company (hereinafter "Registrant"), and hereby petitions to cancel said registration.

To the best of Petitioner's knowledge, the name and address of the current owner of Registration No. 4425792 is The FRS Company located at 1810 Gateway Drive, Suite 150, San Mateo, California 94404.

As grounds for this Petition, it is alleged that:

1. Petitioner is the applicant for U.S. Application Serial No. 86054503 for **LIPTON BE MORE TEA**, which covers "*[t]ea; tea extracts; tea-flavored beverages in the nature of beverages with a tea base; ready-to-drink beverages consisting primarily of tea; iced tea; tea*

mixes in the nature of powders used in the preparation of tea based beverages and iced tea mix powders; non-medicinal herbal tea and tea for infusions" in International Class 30 ("Petitioner's Goods").

2. Petitioner is also the applicant for U.S. Application Serial No. 86054555 for **LIPTON BE MORE TEA (Stylized) & Design** (shown below), which similarly covers Petitioner's Goods.



3. Petitioner is also the applicant for U.S. Application Serial No. 86054561 for **BE MORE TEA**, which similarly covers Petitioner's Goods.

4. Registrant's Registration No. 4425792, which is the subject of this Petition, covers: "*[n]utritional supplements; nutritionally fortified beverages; powdered nutritional supplement drink mix and concentrate; nutritionally fortified soft chews*" in International Class 5 and "*[n]on-alcoholic beverages, namely, energy drinks, fruit-flavored beverages, and sports drinks; concentrates and powders used in the preparation of energy drinks and fruit-flavored beverages*" in International Class 30 ("Registrant's Goods").

5. The U.S. Patent and Trademark Office ("USPTO") has refused registration of Applicant's Application Serial Nos. 86054503, 86054555 and 86054561 under Section 2(d) of the Lanham Act on the ground that registration of Petitioner's **LIPTON BE MORE TEA, LIPTON**

BE MORE TEA (Stylized) & Design and **BE MORE TEA** marks in connection with Petitioner's Goods will lead to consumer source confusion due to the alleged similarities with Registrant's **BE MORE** mark.

6. Discontinuing use of a mark coupled with an intent not to resume use constitutes abandonment of a mark under Section 45 of the Trademark Act. 15 USC § 1127.

7. Upon information and belief, Registrant is not currently selling or transporting Registrant's Goods under Registrant's **BE MORE** mark in U.S. interstate commerce or in commerce which may lawfully be regulated by the U.S. Congress.

8. Upon information and belief, Registrant has discontinued use and has no intent to resume use of Registrant's **BE MORE** mark on or in connection with the Registrant's Goods.

9. Upon information and belief, as a result of Registrant's abandonment of the **BE MORE** mark in connection with the Registrant's Goods, said mark no longer serves as an indicator of source of the Registrant's Goods.

10. Petitioner, by virtue of its filing of App. Serial Nos. 86054503, 86054555 and 86054561, has a *bona fide* intent to use the **LIPTON BE MORE TEA, LIPTON BE MORE TEA (Stylized) & Design** and **BE MORE TEA** marks in connection with Petitioner's Goods, and the continued existence of Registrant's Registration No. 4425792 is damaging to Petitioner as said registration is impairing Petitioner's right to register Petitioner's **LIPTON BE MORE TEA, LIPTON BE MORE TEA (Stylized) & Design** and **BE MORE TEA** marks.

WHEREFORE, Petitioner prays that this Petition for Cancellation be granted.

Respectfully submitted,

By:



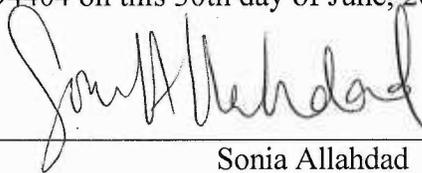
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Date: June 30, 2015

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document **PETITION FOR CANCELLATION** was served by First Class Mail upon The FRS Company at 1810 Gateway Drive, Suite 150, San Mateo, California 94404 on this 30th day of June, 2015.

A handwritten signature in cursive script, appearing to read "Sonia Allahdad", is written over a horizontal line.

Sonia Allahdad