

ESTTA Tracking number: **ESTTA433185**

Filing date: **09/30/2011**

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	Gruma Corporation		
Entity	Corporation	Citizenship	Nevada
Address	1159 Cottonwood Lane Suite 200 Irving, TX 75038 UNITED STATES		

Attorney information	John M. Cone Hitchcock Evert LLP PO Box 131709 Dallas, TX 75313-1709 UNITED STATES jcone@hitchcockevert.com, docket@hitchcockevert.com Phone:214 880 7002		
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**Registration Subject to Cancellation**

Registration No	2808587	Registration date	01/27/2004
International Registration No.	NONE	International Registration Date	NONE
Registrant	BAGLEY ARGENTINA S.A. MARCELINO BERNARDI 18, ARROYITO, DEPARTMENT, OF SAN JUSTO PROVINCE OF CORDOBA, ARGENTINA		

**Goods/Services Subject to Cancellation**

Class 030. Cancelled goods and services in the class: CRACKERS, RUSKS, CAKES, ALFAJORES NAMELY ARABIAN PASTRIES AND READY TO EAT CEREAL DERIVED FOOD BARS
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	110930 Petition to Cancel.pdf ( 2 pages )(15268 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	/s/ John M. Cone
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Name	John M. Cone
Date	09/30/2011

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

**In the Matter of Registration No. 2808587 for RUMBA**

<hr/> <b>GRUMA CORPORATION</b>	§	
<b>Petitioner,</b>	§	
	§	
<b>v.</b>	§	<b>Cancellation Proceeding No. _____</b>
	§	
<b>BAGLEY ARGENTINA S.A.</b>	§	
<b>Registrant.</b>	§	
<hr/>	§	

TO THE HONORABLE TRADEMARK TRIAL AND APPEAL BOARD

**PETITION TO CANCEL REGISTRATION**  
**NO. 2808587 RUMBA**

Petitioner Gruma Corporation (“Gruma”) in support of its petition to cancel Registration No. 2808587 RUMBA would show the Board as follows:

1. Gruma has applied to register the mark RUMBA under S.N. 85/405887 filed August 24, 2011, for chips, including, plantain chips, yucca chips, tortilla chips, puffed corn snacks, extruded corn snacks, corn-based snack foods, nuts; seeds.
2. Gruma anticipates that the Trademark Examining Attorney will refuse registration of Gruma’s mark on the basis of likelihood of confusion with the mark of Registration No. 2808587. Gruma is therefore damaged by Registration No. 2808587 remaining on the Register.
3. The owner of Registration No. 2808587 has abandoned the mark RUMBA at least for the goods “crackers, rusks, cakes, alfajores, namely, Arabian pastries and ready to eat cereal derived food bars.” In particular, Registrant has discontinued use of

the registered mark at least in connection with the said goods with intent not to resume use.

Dated: September 30, 2011

Respectfully submitted,

/s/ John M. Cone  
John M. Cone  
Hitchcock Evert LLP  
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Dallas, Texas 75313-1709  
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jcone@hitchcockevert.com

ATTORNEY FOR PETITIONER  
GRUMA CORPORATION

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of September, 2011, a true and correct copy of the foregoing document was served in accordance with 37 C.F.R. § 2.111(a) via U.S. First Class Mail, postage prepaid on the Registrant's domestic representative at the correspondence address of record in the Office, namely:

Perla M. Kuhn  
Edwards Angell Palmer & Dodge LLP  
PO Box 130  
FDR Station  
New York, New York 10150

/s/ John M. Cone  
John M. Cone