

ESTTA Tracking number: **ESTTA485053**

Filing date: **07/23/2012**

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	Tree Nut Organic LLC		
Entity	Corporation	Citizenship	New Jersey
Address	69 West Main Street Bergenfield, NJ 07621 UNITED STATES		

Attorney information	Nicole Grunfeld Patent Authority LLC 204 W 84TH ST NY, NY 10024 UNITED STATES tm@patentauthority.com
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Registration Subject to Cancellation

Registration No	3057004	Registration date	02/07/2006
Registrant	Riowell, LLC 7230 Empire Central Drive Houston, TX 77040 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 2002/08/00 First Use In Commerce: 2002/08/00 All goods and services in the class are cancelled, namely: DIETARY MEAL REPLACEMENT BARS
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	REALMEAL BAR petition to cancel.pdf (3 pages)(101043 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 Facsimile or email (by agreement only) on this date.

Signature	/Nicole Grunfeld/
Name	Nicole Grunfeld
Date	07/23/2012

bars for use as a meal substitute” in International Class 30.

3. On December 6, 2010, Petitioner filed Application Serial No. 85/191,732 for Petitioner's REAL BAR & Design Mark for “Energy bars, namely, nutritional energy bars and energy boosting bars for use as a meal substitute” in International Class 30.

4. Upon information and belief, Riowell, LLC (“Registrant”) is a limited liability corporation with an address at 7230 Empire Central Drive, Houston, TX 77040.

5. Upon information and belief, Registrant is not using Registrant's Mark in commerce in the United States in connection with the goods identified in the Registration and has abandoned rights in Registrant's Mark for these goods.

6. Upon information and belief, Registrant has no intent to resume use of Registrant's Mark in connection with the goods identified in the Registration.

7. Petitioner will be damaged by the continued registration of Registrant's Mark because Registrant has abandoned Registrant's Mark, and the Registration has been cited as a block to registration of Petitioner's REAL BAR Mark and Petitioner's REAL BAR and Design Mark under Section 2(d) of the Lanham Act, 15 U.S.C. 1052(d).

WHEREFORE, Petitioner believes that it will continue to be damaged by the continued registration of Registrant's Mark within the meaning of 15 U.S.C. §1064.

WHEREFORE, Petitioner prays that this petition be sustained and the Registration be canceled.

Dated: July 23, 2012

Respectfully Submitted,

By: /Nicole Grunfeld/
Nicole Grunfeld
Patent Authority LLC
204 West 84th Street
New York, NY 10024
(212) 222-8106

Attorneys for Petitioner Tree Nut Organic LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of July, 2012, a Petition for Cancellation was served via email on Rakesh M. Amin, Esq., Amin Talati, LLC, Suite 700, 225 North Michigan Avenue, Chicago, IL 60601 (email address: Rakesh@AminTalati.com), attorney of record and correspondent for the Registrant, Riowell, LLC.

Date: July 23, 2012

/Nicole Grunfeld/
Nicole Grunfeld