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

Proceeding	92056269
Party	Plaintiff BL Restaurant Operations, LLC
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Submission	Plaintiff's Notice of Reliance
Filer's Name	Caroline Pace
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Date	10/07/2013
Attachments	Petitioner's First Notice of Reliance.pdf(67361 bytes)

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

In the Matter of Trademark Registration No. 4,121,825
For the mark Eat Well. Drink Well. Be Happy. issued April 3, 2012

BL Restaurant Operations, LLC,	§	
	§	
Petitioner,	§	Cancellation No. 92056269
	§	
v.	§	
	§	
Uptown Dining Group I, f/k/a	§	
The Clean Plate Club, Inc.	§	
	§	
Respondent.	§	

PETITIONER'S FIRST NOTICE OF RELIANCE

Pursuant to § 2.120(j) and 2.122(e) of the Trademark Rules of Practice, Petitioner Petitioner, BL Restaurant Operation, LLC, ("BL Restaurant") hereby gives its First Notice of Reliance upon the following materials:

DISCOVERY

1. BL Restaurant's BL Restaurant Operations, LLC's First Requests for Production to Respondent The Clean Plate Club, Inc. A true and correct copy is attached hereto as Exhibit 1.
2. Registrant Uptown Dining Group's Responses to Petitioner's First Set of Requests for Production of Documents. A true and correct copy is attached hereto as Exhibit 2.
3. BL Restaurant's BL Restaurant Operations, LLC's First Set of Interrogatories to Respondent The Clean Plate Club, Inc. A true and correct copy is attached hereto as Exhibit 3.
4. Registrant Uptown Dining Group's Responses to Petitioner's First Set of Interrogatories. A true and correct copy is attached hereto as Exhibit 4.
5. BL Restaurant's BL Restaurant Operations, LLC's First Set of Requests for Admission to Respondent The Clean Plate Club, Inc. A true and correct copy is attached hereto as Exhibit 5.
6. Registrant Uptown Dining Group's Responses to Petitioner's First Set of Requests for Admission. A true and correct copy is attached hereto as Exhibit 6.

OFFICIAL RECORDS

7. BL Restaurant's pleaded registration on the EAT DRINK BE HAPPY mark. A status and title copy of the registration is attached hereto as Exhibit 7. This document is relevant to show BL Restaurant's priority of use and rights, and scope of BL Restaurant's services with respect to the EAT DRINK BE HAPPY mark.
8. Uptown Dining Group I, f/k/a The Clean Plate Club, Inc.'s, Application Serial No. 85402823, status for Registration No. 4121825, and related file history documents. A status and title copy of the registration is attached hereto as Exhibit 8. The documents are relevant to show Respondent's stated first use dates and use of the EAT WELL DRINK WELL BE HAPPY mark.

PUBLIC RECORDS

The following articles and/or photographs are relevant to show the strength and fame of the mark EAT DRINK BE HAPPY for use in connection with restaurant and bar services.

9. Escape Hatch Dallas, available at <http://escapehatchdallas.com/tag/bar-louie/>; published September 26, 2011, last visited October 7, 2013. A true and correct copy is attached hereto as Exhibit 9.
10. Downtown Austin Blog, available at <http://downtownaustinblog.org/2012/04/27/bar-louie-eat-drink-and-be-happy-in-downtown-austin/>, published April 12, 2012, last visited October 7, 2013. A true and correct copy is attached as Exhibit 10.
11. Taste of Anaheim 365, available at <http://tasteofanaheim365.com/restaurants-2/1064/bar-louie-at-the-taste-of-anaheim-eat-drink-be-happy>, published April 24 2012, last visited October 7, 2013. A true and correct copy is attached as Exhibit 11.
12. Nique's "O" Town Eats, available at <http://niquesotowneats.blogspot.com/2010/07/after-work-happy-hour.html>, published July 16, 2010, last visited October 7, 2013. A true and correct copy is attached as Exhibit 12.
13. Writing for the News, available at <http://kristianaboch.blogspot.com/2013/04/bar-louie.html>, published April 15, 2013, last visited October 7, 2013. A true and correct copy is attached as Exhibit 13.
14. Rochester Hills Patch, available at <http://rochester.patch.com/groups/business-news/p/bar-louie-moving-into-shields-pizza-spot-in-rochester-hills>, published March 4, 2011, last visited October 7, 2013. A true and correct copy is attached as Exhibit 14.
15. The Bouma Group Realtors, available at <http://blog.bouma.com/eat-drink-be-happy/>, published September 15, 2010, last visited October 7, 2013. A true and correct copy is attached as Exhibit 15.
16. Palm Beach Happening, available at <http://palmbeach.happeningmag.com/top-5-happy-hours-clematis-street>, not dated, last visited October 7, 2013. A true and correct copy is attached as Exhibit 16.
17. SavannahRedSupperClub, available at <http://savannahredsupperclub.blogspot.com/2013/04/bar-louie-eat-drink-be-happy-your->

[alive.html](#), published April 2, last visited October 7, 2013. A true and correct copy is attached as Exhibit 17.

Respectfully submitted,

KANE RUSSELL COLEMAN & LOGAN PC

By: /s/Caroline Pace

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**ATTORNEYS FOR PETITIONER
BL RESTAURANT OPERATIONS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of October, 2013, a true and correct copy of the foregoing document was served on the following attorneys by sending such copy via electronic mail:

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/s/Caroline Pace
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