

ESTTA Tracking number: **ESTTA629381**

Filing date: **09/25/2014**

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	River West Brands		
Entity	Limited Liability Company	Citizenship	Delaware
Address	300 North LaSalle Chicago, IL 60654 UNITED STATES		

Correspondence information	Mark Thomann Chief Executive Officer River West Brands 300 North LaSalle Suite 4925 Chicago, IL 60654 UNITED STATES mark@riverwestbrands.com Phone:312-834-0993
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### Registration Subject to Cancellation

Registration No	3999196	Registration date	07/19/2011
Registrant	KELLOGG NORTH AMERICA COMPANY ONE KELLOGG SQUARE BATTLE CREEK, MI 49016 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 029. First Use: 2006/09/17 First Use In Commerce: 2006/09/17 All goods and services in the class are cancelled, namely: Potato chips, roasted and processed snack nuts, roasted and processed snack seeds, shelf stable dips, refrigerated dips and bean dips
Class 030. First Use: 2006/09/17 First Use In Commerce: 2006/09/17 All goods and services in the class are cancelled, namely: Pretzels, corn-based snack foods, corn chips, corn curls, popcorn, popped popcorn, unpopped popcorn, and microwavable popcorn, snack toasted corn kernels, salsas, tortilla chips and tostada chips

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	River West Brands LLC.pdf(24068 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/Mark Thomann/
Name	Mark Thomann
Date	09/25/2014

River West Brands LLC

300 North LaSalle, Suite 4925

Chicago, Illinois 60654

Re: Registration: 3999196

Petitioner seeks to cancel U.S. Registration Nos. 3999196 on the grounds that the registered Name NOT ALL SNACKS ARE CREATED EAGLE has been abandoned due to non-use in commerce since 2009 when Reserve Brands, a subsidiary of River West Brands, ceased selling Eagle Snacks and the NOT ALL SNACKS ARE CREATED EAGLE trademark in commerce.

Reserve Brands LLC licensed the NOT ALL SNACKS ARE CREATED EAGLE trademark from the previous owner, Procter & Gamble, who assigned the license agreement to our private label manufacturer, Snack Alliance, Inc. who ultimately stopped production of the Eagle Snack and NOT ALL SNACKS ARE CREATED EAGLE brand soon thereafter.

In conclusion, KELLOGG NORTH AMERICA COMPANY inherited a brand through acquisition that had not been sold in commerce since 2009 and, since the registration date of July 19, 2011, neither P&G or Kellogg has used NOT ALL SNACKS ARE CREATED EAGLE in commerce under the goods and services described in their registration.