

ESTTA Tracking number: **ESTTA853560**

Filing date: **10/20/2017**

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

Proceeding	92063578
Party	Defendant Kettle Foods, Inc.
Correspondence Address	RANDEL S SPRINGER WOMBLE CARLYLE SANDRIDGE & RICE LLP ONE WEST FOURTH STREET WINSTON-SALEM, NC 27101 UNITED STATES Email: trademarkswinston@wcsr.com, rspringer@wcsr.com
Submission	Other Motions/Papers
Filer's Name	Randel S. Springer
Filer's email	trademarkswinston@wcsr.com, rspringer@wcsr.com
Signature	/Randel S. Springer/
Date	10/20/2017
Attachments	FULLY LOADED BAKED POTATO.pdf(417023 bytes)

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

**In the Matter of Registration No. 4,000,266
Issued on July 26, 2011
Mark: FULLY LOADED BAKED POTATO**

IDAHOAN FOODS, LLC)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92063578
)	
S-L SNACKS NATIONAL, LLC)	
Successor in Interest of)	
KETTLE FOODS, INC.,)	
)	
Registrant.)	

**CONSENTED MOTION TO SUBSTITUTE AND REQUEST TO
SURRENDER TRADEMARK REGISTRATION**

Registrant, S-L Snacks National, LLC (“S-L Snacks”), by and through counsel and pursuant to TBMP 512.01, hereby requests that S-L Snacks be formally substituted for Kettle Foods, Inc. (“Kettle Foods”) as the named Registrant in the above-referenced cancellation proceeding.

As grounds for the instant Motion, S-L Snacks provides the following facts:

1. Effective December 31, 2016, Kettle Foods assigned to S-L Snacks all of its right, title and interest in and to the trademark registration that is the subject of this cancellation proceeding, namely, U.S. Registration No. 4,000,266 for the mark FULLY LOADED BAKED POTATO (the “S-L Snacks Registration”).
2. By virtue of this assignment, S-L Snacks is the current owner of the S-L Snacks Registration.
3. The aforementioned assignment was recorded with the United States Patent and Trademark Office on September 13, 2017, at Reel 6153, Frame 0160, with respect to the S-L Snacks Registration.

A copy is attached hereto as Exhibit A.

4. Counsel for Petitioner has expressly consented to substitute S-L Snacks for Kettle Foods in this cancellation proceeding.

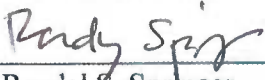
REQUEST TO SURRENDER TRADEMARK REGISTRATION

Pursuant to Trademark Rules 2.134 and 2.172 of the Trademark Rules of Practice, Registrant, S-L Snacks National, LLC, hereby expressly surrenders for cancellation Trademark Registration No. 4,000,266 for the mark FULLY LOADED BAKED POTATO.

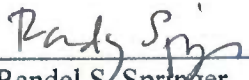
The undersigned each expressly stipulate and agree that the surrender of this trademark registration is with prejudice as to both the assignee S-L Snacks National, LLC and the assignor Kettle Foods, Inc. Therefore, Petitioner, Idahoan Foods, LLC, hereby consents to the surrender of said registration on those terms.

In view of the foregoing, Petitioner and Registrant further jointly move the Board to dismiss this cancellation action as moot.


KETTLE FOODS, INC.

By: 
Randel S. Springer
Womble Carlyle Sandridge & Rice, LLP
One West Fourth Street
Winston-Salem, North Carolina 27101
Attorney for the Former Registrant/Assignor

S-L SNACKS NATIONAL, LLC

By: 
Randel S. Springer
Womble Carlyle Sandridge & Rice, LLP
One West Fourth Street
Winston-Salem, North Carolina 27101
Attorney for Registrant/Assignee

IDAHOAN FOODS, LLC

By: 
Preston C. Regehr
Techlaw Ventures PLLC
3390 West Mayflower Way
Lehi, Utah 84043
Attorney for Petitioner


CERTIFICATE OF MAILING

I do hereby certify that on October 20, 2017, I filed via electronic means (ESTTA) this
CONSENTED REQUEST TO SURRENDER TRADEMARK REGISTRATION with the:

U. S. Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

and served a copy via email on:

Preston C. Regehr, Esquire
Techlaw Ventures PLLC
3390 West Mayflower Way
Lehi, Utah 84043
preston.regehr@techlawventures.com



Laurie A. Ricci, Senior Paralegal

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEPTEMBER 22, 2017

PTAS

RANDEL S. SPRINGER
WOMBLE CARLYLE SANDRIDGE & RICE, LLP
ONE WEST FOURTH STREET
WINSTON-SALEM, NC 27101

900420902

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE ASSIGNMENT RECORDATION BRANCH AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT RECORDATION BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 09/13/2017

REEL/FRAME: 6153/0160
NUMBER OF PAGES: 4

BRIEF: ASSIGNS THE ENTIRE INTEREST

DOCKET NUMBER: 88830.0043.0

ASSIGNOR:

KETTLE FOODS, INC.

DOC DATE: 12/31/2016
CITIZENSHIP: OREGON
ENTITY: CORPORATION

ASSIGNEE:

S-L SNACKS NATIONAL, LLC

13515 BALLANTYNE CORPORATE PLACE
CHARLOTTE, NORTH CAROLINA 28277

CITIZENSHIP: NORTH CAROLINA
ENTITY: LIMITED LIABILITY COMPANY

SERIAL NUMBER: 73565821

REGISTRATION NUMBER: 1397807

MARK: ROASTER-FRESH

DRAWING TYPE: TYPESET WORD(S) /LETTER(S) /NUMBER(S)

FILING DATE: 10/29/1985

REGISTRATION DATE: 06/17/1986

SERIAL NUMBER: 76154936

REGISTRATION NUMBER: 2873087

MARK: KETTLE

DRAWING TYPE: TYPESET WORD(S) /LETTER(S) /NUMBER(S)

FILING DATE: 10/26/2000

REGISTRATION DATE: 08/17/2004

SERIAL NUMBER: 77252657 FILING DATE: 08/10/2007
REGISTRATION NUMBER: 3510810 REGISTRATION DATE: 10/07/2008
MARK: KETTLE
DRAWING TYPE: AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) IN
STYLIZED FORM

SERIAL NUMBER: 77252680 FILING DATE: 08/10/2007
REGISTRATION NUMBER: 3417780 REGISTRATION DATE: 04/29/2008
MARK: KETTLE
DRAWING TYPE: AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) IN
STYLIZED FORM

SERIAL NUMBER: 77252696 FILING DATE: 08/10/2007
REGISTRATION NUMBER: 3417781 REGISTRATION DATE: 04/29/2008
MARK: KETTLE
DRAWING TYPE: AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) IN
STYLIZED FORM

SERIAL NUMBER: 77252732 FILING DATE: 08/10/2007
REGISTRATION NUMBER: 3417783 REGISTRATION DATE: 04/29/2008
MARK: KETTLE BRAND
DRAWING TYPE: STANDARD CHARACTER MARK

SERIAL NUMBER: 77589777 FILING DATE: 10/09/2008
REGISTRATION NUMBER: 3622684 REGISTRATION DATE: 05/19/2009
MARK: BACKYARD BARBEQUE
DRAWING TYPE: STANDARD CHARACTER MARK

SERIAL NUMBER: 77589780 FILING DATE: 10/09/2008
REGISTRATION NUMBER: 4426974 REGISTRATION DATE: 11/05/2013
MARK: BUFFALO BLEU
DRAWING TYPE: STANDARD CHARACTER MARK

SERIAL NUMBER: 77796249 FILING DATE: 08/04/2009
REGISTRATION NUMBER: 4434263 REGISTRATION DATE: 11/19/2013
MARK: SPICY THAI
DRAWING TYPE: STANDARD CHARACTER MARK

SERIAL NUMBER: 77855768 FILING DATE: 10/23/2009
REGISTRATION NUMBER: 4000266 REGISTRATION DATE: 07/26/2011
MARK: FULLY LOADED BAKED POTATO
DRAWING TYPE: STANDARD CHARACTER MARK

SERIAL NUMBER: 78351775 FILING DATE: 01/14/2004
REGISTRATION NUMBER: 2923081 REGISTRATION DATE: 02/01/2005
MARK:
DRAWING TYPE: AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)
/NUMBER(S)

SERIAL NUMBER: 85029488 FILING DATE: 05/04/2010
REGISTRATION NUMBER: 4179911 REGISTRATION DATE: 07/24/2012
MARK: TIAS
DRAWING TYPE: STANDARD CHARACTER MARK

SERIAL NUMBER: 86188836 FILING DATE: 02/10/2014
REGISTRATION NUMBER: 4725031 REGISTRATION DATE: 04/21/2015
MARK:
DRAWING TYPE: AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)
/NUMBER(S)

SERIAL NUMBER: 86390688
REGISTRATION NUMBER:
MARK: KETTLE BRAND
DRAWING TYPE: STANDARD CHARACTER MARK

FILING DATE: 09/10/2014
REGISTRATION DATE:

SERIAL NUMBER: 86723927
REGISTRATION NUMBER: 5233196
MARK: UPROOTED
DRAWING TYPE: STANDARD CHARACTER MARK

FILING DATE: 08/13/2015
REGISTRATION DATE: 06/27/2017

SERIAL NUMBER: 86975998
REGISTRATION NUMBER: 4741180
MARK: KETTLE BRAND
DRAWING TYPE: STANDARD CHARACTER MARK

FILING DATE: 09/10/2014
REGISTRATION DATE: 05/19/2015

SERIAL NUMBER: 87262508
REGISTRATION NUMBER:
MARK: TATER TRACKER
DRAWING TYPE: STANDARD CHARACTER MARK

FILING DATE: 12/08/2016
REGISTRATION DATE:

ASSIGNMENT RECORDATION BRANCH
PUBLIC RECORDS DIVISION