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Filing date: **11/11/2016**

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	Fork That Foods LLC dba Trulee Foods		
Entity	Limited Liability Corporation	Citizenship	Texas
Address	1904 Industrial Blvd., Suite 103 Colleyville, TX 76034 UNITED STATES		

Attorney information	Sanford E. Warren, Jr. Warren Rhoades LLP 1212 Corporate Drive, Suite 250 Irving, TX 75038 UNITED STATES ipdocketing@wriplaw.com Phone:9725502955		
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Registration Subject to Cancellation

Registration No	4125661	Registration date	04/10/2012
Registrant	CELL-NIQUE CORPORATION 65 EAST AVENUE NORWALK, CT 06851 UNITED STATES		

Goods/Services Subject to Cancellation

Class 029. First Use: 2011/01/31 First Use In Commerce: 2011/01/31 All goods and services in the class are cancelled, namely: Organic, raw, vegan, gluten-free, dairy-free, soy-free and no-sugar-added nut and fruit-based snack foods
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Cancellation.pdf(37368 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	/Sanford E. Warren, Jr./
Name	Sanford E. Warren, Jr.
Date	11/11/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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FORK THAT FOODS INC.,	:	
DBA TRULEE FOODS	:	
	:	
Petitioner,	:	Cancellation No. _____
	:	Mark: BITES OF BLISS
v.	:	Registration No.: 4,125,661
	:	Registration Date: April 10, 2012
	:	
CELL-NIQUE CORPORATION,	:	
DBA HEALTHY BRANDS COLLECTIVE	:	
CORPORATION	:	
	:	
Respondent.	:	

PETITION FOR CANCELLATION

Fork That Foods Inc., doing business as Trulee Foods, a corporation duly organized and existing under the laws of Texas, having a principle place of business located at 1904 Industrial Blvd., Suite 103, Colleyville, Texas 76034 (“Petitioner”), brings this Petition For Cancellation of Registration No. 4,125,661 for the mark BITES OF BLISS against Cell-Nique Corporation, doing business as Healthy Brands Collective Corporation, a corporation duly organized and existing under the laws of Delaware, with a listed address of 65 East Avenue, Norwalk, Connecticut, 06851 (“Respondent”).

Petitioner believes that it is being damaged and will continue to be damaged by the registration of the mark show in Registration No. 4,125,661 for the mark BITES OF BLISS, issued on April 10, 2012 and hereby petitions to cancel the same. As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is the owner of United States Trademark Application Serial No. 87/174,282 filed on September 16, 2016 for the mark BLISS BITES! in connection with “fruit-based organic food snacks also containing vegetables, nuts, seeds, and/or cacao.”

2. Petitioner is the owner of United States Trademark Application Serial No. 87/174,291 filed on September 16, 2016 for the mark BLISS BITES! & Design in connection with “fruit-based organic food snacks also containing vegetables, nuts, seeds, and/or cacao.”

3. Petitioner has used its BLISS BITES! and BLISS BITES! & Design marks in commerce in the United States in connection with fruit-based organic food snacks also containing vegetables, nuts, seeds, and/or cacao since at least November 2013.

4. Respondent is allegedly the current listed owner of Registration No. 4,125,661 for BITES OF BLISS (hereinafter “BITES OF BLISS Mark”) for “organic, raw, vegan, gluten-free, dairy-free, soy-free and no-sugar-added nut and fruit-based snack foods” in International Class 29.

5. Respondent’s Registration was initially issued on April 10, 2012 to Rhonda Snyder, an individual. The UPSTO Assignment records reflect Respondent as the current owner of the BITES OF BLISS Mark. References to Respondent in this Petition may refer to Respondent’s predecessor-in-interest, as the case may be.

6. On information and belief, Respondent has abandoned its rights in the BITES OF BLISS Mark within the meaning of 15 U.S.C. § 1127.

7. On information and belief, Respondent is not currently using the BITES OF BLISS Mark as shown in the Registration in connection with “organic, raw, vegan, gluten-free, dairy-free, soy-free and no-sugar-added nut and fruit-based snack foods” as an identifier to distinguish the goods of Respondent or to indicate the source of the goods.

8. On information and belief, Respondent has discontinued use of the BITES OF BLISS Mark as shown in the Registration in connection with “organic, raw, vegan, gluten-free, dairy-free, soy-free and no-sugar-added nut and fruit-based snack foods.”

9. On information and belief, Respondent intended to discontinue use of the BITES OF BLISS Mark as shown in the Registration in connection with “organic, raw, vegan, gluten-free, dairy-free, soy-free and no-sugar-added nut and fruit-based snack foods.”

10. On information and belief, Respondent has no intent to resume use of the BITES OF BLISS Mark as shown in the Registration in connection with “organic, raw, vegan, gluten-free, dairy-free, soy-free and no-sugar-added nut and fruit-based snack foods.”

11. Continued registration of the BITES OF BLISS Mark as shown in the Registration will result in damage to Petitioner pursuant to the allegations stated above, and will create a cloud on the lawful right of the Petitioner to adopt and use the marks BLISS BITES! and BLISS BITES! & Design and will prevent Petitioner from obtaining registration of the marks BLISS BITES! and BLISS BITES! & Design in the name of the Petitioner.

12. In light of the Respondent’s non-use and abandonment of the BITES OF BLISS Mark, Respondent is not entitled to continued registration of the mark pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064(3); thus, it is respectfully submitted that the BITES OF BLISS Mark should be cancelled and that Registration No. 4,125,661 should be thereby removed from the Principal Register.

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained and that Registration No. 4,125,661 for the mark BITES OF BLISS set forth therein be cancelled.

The filing fee in the amount of \$300 is being submitted herewith. Please charge any deficiency or credit any overpayment to WARREN RHOADES LLP Deposit Account No. 50-6546.

Dated: November 11, 2016

Respectfully submitted,

/Sanford E. Warren, Jr./
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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of November, 2016 service of **PETITION OF CANCELLATION** was made to the attorney of record for Respondent *via* First Class Mail:

Sandra Lee Lipkin
Law Offices of Sandy Lipkin
P.O. Box 3518
Ventura, California 93006-3518

By: /Sanford E. Warren, Jr./
Sanford E. Warren, Jr.