

ESTTA Tracking number: **ESTTA961327**

Filing date: **03/19/2019**

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 has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	FRC Balance LLC		
Entity	Limited Liability Company	Citizenship	Arizona
Address	4455 E. Camelback Rd., Suite A115 Phoenix, AZ 85018 UNITED STATES		

Attorney information	Glenn S. Bacal Bacal Law Group, P.C. 6991 East Camelback Road, Suite D-102 Scottsdale, AZ 85251 UNITED STATES glenn.bacal@bacalgroup.com, kris.haley@bacalgroup.com 480-245-6233
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Registration Subject to Cancellation

Registration No.	4503098	Registration date	03/25/2014
Registrant	Stonecrest Pizza #1 LLC 7828 Rea Road, Suite F Charlotte, NC 28277 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2013/05/06 First Use In Commerce: 2013/05/06 All goods and services in the class are subject to cancellation, namely: pizza; take-out pizza
Class 043. First Use: 2013/05/06 First Use In Commerce: 2013/05/16 All goods and services in the class are subject to cancellation, namely: restaurant services; take-out restaurant services; catering services

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3620741	Application Date	06/17/2008
Registration Date	05/12/2009	Foreign Priority Date	NONE

Word Mark	TRUE FOOD
Design Mark	
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 2009/03/17 First Use In Commerce: 2009/03/17 Full service, sit-down restaurant and bar services featuring organic, healthful, non-artificial and nutritious foods

U.S. Registration No.	4049211	Application Date	04/08/2011
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	TRUE FOOD KITCHEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2010/08/02 First Use In Commerce: 2010/08/02 Restaurant reservation services; Preparation of food and beverages for others; Cocktail lounge services; Restaurant carry out services; Catering services; Restaurant services; Cafe services; Take-outrestaurant services; Restaurants featuring private dining rooms; Providing dining facilities for special events and private parties		

U.S. Registration No.	4052881	Application Date	04/11/2011
Registration Date	11/08/2011	Foreign Priority Date	NONE
Word Mark	TRUE FOOD KITCHEN		

Design Mark	TRUE FOOD KITCHEN
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2010/08/02 First Use In Commerce: 2010/08/02 Hosting of business events and meetingsfor others; Providing a venue for business events and meetings Class 041. First use: First Use: 2010/08/02 First Use In Commerce: 2010/08/02 Hosting of social entertainment events;Hosting birthday parties; Providing a venue for educational events; Entertainment services, namely, wine tastings and food tastings; Hosting of educational cooking demonstrations and lectures

U.S. Registration No.	3688743	Application Date	02/26/2009
Registration Date	09/29/2009	Foreign Priority Date	NONE
Word Mark	TRUE FOOD KITCHEN		
Design Mark			
Description of Mark	The mark consists of the words "TRUE FOOD" in green above yellow stalks of grain and the word "KITCHEN" in green.		
Goods/Services	Class 043. First use: First Use: 2008/10/27 First Use In Commerce: 2008/10/27 Full service, sit-down restaurant and bar services featuring organic, healthful, non-artificial and nutritious foods		

Attachments	77501250#TMSN.png(bytes) 85290527#TMSN.png(bytes) 85291955#TMSN.png(bytes) 77679039#TMSN.png(bytes) TRUE CRAFTED PIZZA petition for cancellation.pdf(2473715 bytes) Exhibit 1.pdf(917200 bytes)
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Signature	/Glenn S. Bacal/
Name	Glenn S. Bacal
Date	03/19/2019

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

FRC Balance LLC

Petitioner,

v.

Stonecrest Pizza #1 LLC

Respondent.

Cancellation No. _____

Mark: TRUE CRAFTED PIZZA

Registration No. 4,503,098

Registered March 25, 2014

PETITION FOR CANCELLATION

FRC Balance LLC (“Petitioner”) believes that it will be damaged by the continued registration of U.S. Registration No. 4,503,098 for the word mark TRUE CRAFTED PIZZA, owned by Stonecrest Pizza #1 LLC (“Respondent”). Petitioner hereby petitions to cancel this registration on the basis that Respondent’s continued registration and use of TRUE CRAFTED PIZZA are likely to cause confusion with Petitioner’s registration and use of TRUE FOOD® and other TRUE-based marks.


In support of its Petition for Cancellation, Petitioner states the following:

The Parties

1. Petitioner is an Arizona limited liability company with its principal place of business at 4455 E. Camelback Rd., Suite A115, Phoenix, Arizona 85018.
2. Petitioner has created restaurants under the brand TRUE FOOD®.
3. On information and belief, Respondent is a North Carolina limited liability company with its principal place of business at 7828 Rea Road, Suite F, Charlotte, North Carolina 28277.

Petitioner's Registration and Use of Its Marks

4. Petitioner owns federal registrations for the following marks for or incorporating TRUE FOOD, among others. True and correct copies of these registrations from the TESS database, showing their current status and title, are attached as **Exhibit 1**.

Mark	Reg. No.	Services
TRUE FOOD (words only) [This registration is incontestable.]	3,620,741	Class 43—Full service, sit-down restaurant and bar services featuring organic, healthful, non-artificial and nutritious foods
TRUE FOOD KITCHEN (words only) [This registration is incontestable.]	4,049,211	Class 43—Restaurant reservation services; Preparation of food and beverages for others; Cocktail lounge services; Restaurant carry out services; Catering services; Restaurant services; Cafe services; Take-out restaurant services; Restaurants featuring private dining rooms; Providing dining facilities for special events and private parties
TRUE FOOD KITCHEN (words only) [This registration is incontestable.]	4,052,881	Class 35—Hosting of business events and meetings for others; Providing a venue for business events and meetings Class 41—Hosting of social entertainment events; Hosting birthday parties; Providing a venue for educational events; Entertainment services, namely, wine tastings and food tastings; Hosting of educational cooking demonstrations and lectures
 [This registration is incontestable.]	3,688,743	Class 43—Full service, sit-down restaurant and bar services featuring organic, healthful, non-artificial and nutritious foods

5. Petitioner also has common law rights in TRUE alone and other TRUE-based marks, including, without limitation, BE TRUE and EAT TRUE, in connection with its restaurant services.

6. Collectively, all of Petitioner's registered and common law TRUE-based marks shall be referred to herein as the "TRUE Marks."

7. Petitioner has used the federally registered TRUE Marks in connection with Petitioner's restaurants since at least as early as October 2008.

8. Petitioner has been building its brand geographically and has been expanding from Arizona to other states ever since the first TRUE FOOD® restaurant opened.

9. As a result of Petitioner's efforts, there are already over twenty-one TRUE FOOD® restaurants open in Arizona, California, Colorado, Florida, Georgia, Illinois, Maryland, Pennsylvania, Tennessee, Texas, and Virginia. There are concrete plans to open additional locations in Georgia, Florida, Missouri, Louisiana, Nevada, Virginia and Texas in 2019, as well as developing plans, which are not yet concrete, to have a Charlotte, North Carolina location by sometime in 2020.

10. TRUE FOOD® has been one of the most successful new brands in the country since its introduction in October 2008.

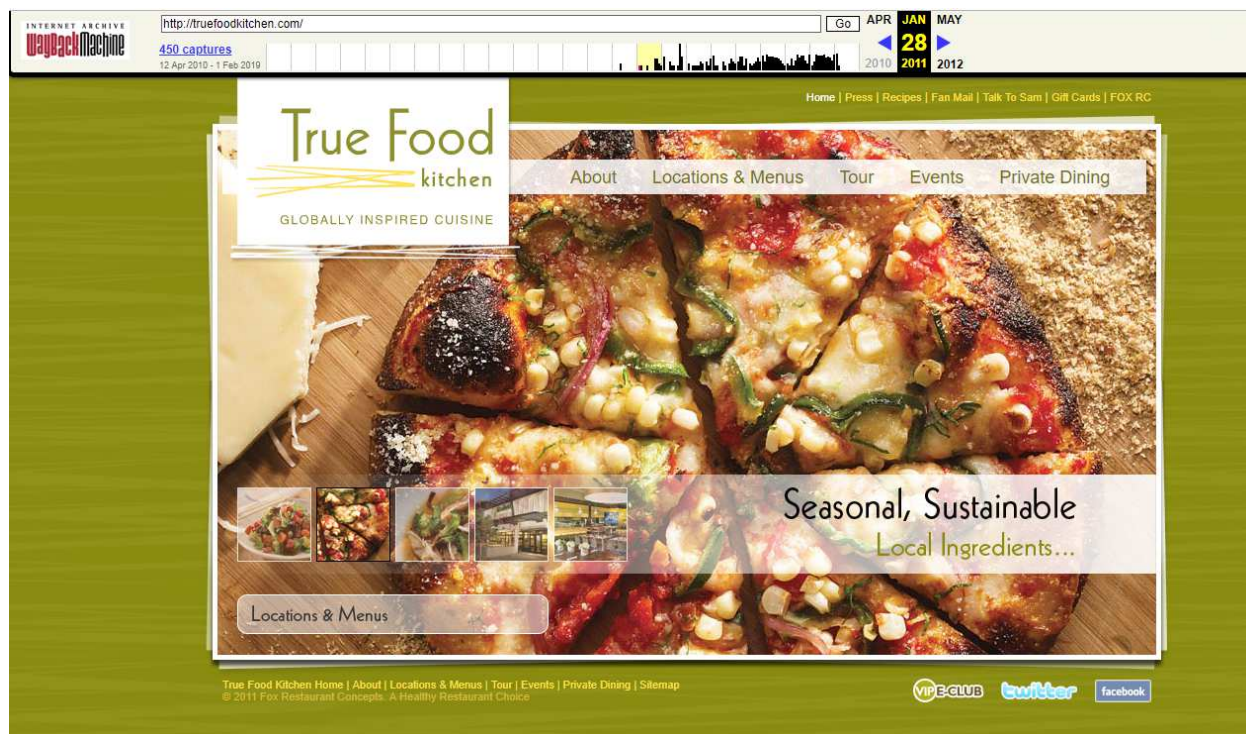
11. TRUE FOOD® was named a "top emerging brand" of 2018. Oprah Winfrey announced in 2018 that she was making a significant equity investment in the chain.

12. TRUE FOOD® restaurants feature healthy food and drink on the menu, including, but not limited to, various types of pizza.

13. Petitioner's pizzas have long been featured in third-party articles, blog posts and reviews including with use of TRUE alone, on server uniforms, as in the example promoting pizza shown below.



14. Petitioner has also long featured its pizzas on its website. Here, for example, is a screenshot from the home page of www.truefoodkitchen.com from 2011, where a picture of Petitioner's pizza was one of the five repeating images on its homepage.



15. Petitioner has also long regularly featured its pizzas on its social media. Here are representative screenshots from Petitioner's Facebook presentations from 2011, 2012 and 2013, all posted before Respondent's date of filing for its Registration of TRUE CRAFTED PIZZA and before Respondent's date of first use of TRUE CRAFTED PIZZA.



See

<https://www.facebook.com/TrueFoodKitchen/photos/a.135349149866824/135358646532541/?type=3&theater>.



See

<https://www.facebook.com/TrueFoodKitchen/photos/a.137983916270014/386052501463153/?type=3&theater>.



See

<https://www.facebook.com/TrueFoodKitchen/photos/a.137983916270014/437185689683167/?type=3&theater>.

16. Petitioner offers both in-dining and take-out at its TRUE FOOD® restaurants.
17. Petitioner has used TRUE alone, as well as in a number of different phrases, such as TRUE INSIDER, SHOP TRUE, LIVE TRUE, TRUE YOU, EAT TRUE, BE TRUE, STAY TRUE, GIVE THE GIFT OF TRUE, SHOW THE TRUE YOU, ALL THINGS TRUE, and BE TRUE TO YOURSELF, among others, to promote its restaurants and to encourage others to eat at TRUE FOOD®.
18. Petitioner's customers regularly refer to Petitioner's restaurants alternatively as "TRUE", "TRUE FOOD" or "TRUE FOOD KITCHEN."
19. Petitioner has expended substantial time and resources in marketing its TRUE FOOD® restaurants and building consumer recognition in the TRUE Marks.
20. Petitioner has extensively marketed its TRUE FOOD® restaurants in various marketing channels, including on the Internet and through various social media platforms.

21. As a result of Petitioner's significant efforts to develop the reputation of the TRUE Marks, there is widespread and growing recognition of the TRUE Marks among consumers.

22. Petitioner has taken steps to enforce its rights against third-party users of marks that are likely to cause confusion with the TRUE Marks.

Respondent's Registration and Use of TRUE CRAFTED PIZZA

23. Respondent is the owner of U.S. Registration No. 4,503,098 for the word mark TRUE CRAFTED PIZZA covering "pizza; take-out pizza" in Class 30 and "restaurant services; take-out restaurant services; catering services" in Class 43 (the "Registration").

24. Respondent filed its application for TRUE CRAFTED PIZZA on an intent-to-use basis on March 4, 2013 and the Registration issued on March 25, 2014.

25. Respondent claims a date of first use of May 16, 2013.

26. On information and belief, Respondent was on actual notice of Petitioner's use and registration of one or more of its TRUE Marks prior to filing Respondent's application for TRUE CRAFTED PIZZA.

27. Respondent currently uses its TRUE CRAFTED PIZZA mark in connection with a single-location pizza restaurant in the Charlotte, North Carolina area.

28. Like Petitioner, Respondent focuses on community and advertises that it "begin[s] with the finest ingredients and craft[s] them together."

29. Like Petitioner, Respondent markets its restaurant in various marketing channels, including on the Internet and through various social media platforms.

30. On information and belief, Respondent's TRUE CRAFTED PIZZA mark, as it is used on Respondent's website and social media, as well as on signage, uniforms and menus at Respondent's restaurant, features TRUE as the predominant element, as shown below.



31. On information and belief, by design, the TRUE portion of TRUE CRAFTED PIZZA, as it is used by Respondent on the Internet and at its restaurant location, has so much more prominence than any other element, such that the initial commercial impression of consumers will be centered on TRUE, rather than on the mark as a whole.

32. On information and belief, because TRUE appears so much larger than CRAFTED PIZZA on Respondent's website, signage and otherwise, consumers are more likely to perceive TRUE separately from the mark as a whole.

33. Respondent uses TRUE alone without CRAFTED in the URL for its main website at <https://truepizza.com/>, with <https://truecraftedpizza.com/> being used only to forward visitors to the main website.

34. Respondent is also using TRUE in a number of different TRUE based phrases, just like Petitioner (with some phrases identical to those used by Petitioner).

35. Respondent has also been using TRUE and TRUE PIZZA, rather than TRUE CRAFTED PIZZA, in its Instagram, Twitter and Facebook posts and hashtags, such as @TRUEpizzaCLT and #staytrue. Some representative examples are below:



truecraftedpizza • Follow

truecraftedpizza UPDATE (as of 6pm today)
 🏠 TRUE will be closing early at 8pm tonight.
 Stay tuned for tomorrow's hours. Be safe everyone!!

Leave all of the hurricane food for later and go grab some lunch! TRUE opens at 11am!
 #staytrue #clt #cltdining

speedycamaro Beautiful. Great pizza. Great pizza dough. Unique flavor. "Love it"



39 likes

SEPTEMBER 15, 2018

Log in to like or comment.



True Crafted Pizza

November 12, 2018 · 🌐

It's cold and rainy outside and TRUE has a house-made New England Clam Chowder soup and a Seasonal Vegetable soup to help you warm up!
 #staytrue #truepizza #cltdining #eeeeeeats



7

2 Shares

36. If Respondent's Registration is not cancelled, the continued existence of that Registration on the Principal Register may limit, restrict or interfere with Petitioner's ability to use Petitioner's TRUE Marks in connection with its goods and services.

Standing

37. Petitioner filed its first federal application for TRUE FOOD® on June 17, 2008, which is well before the date when Respondent first applied to register the TRUE CRAFTED PIZZA mark (March 4, 2013).

38. Petitioner has priority over Respondent, with Petitioner's nationwide priority dating back to at least as early as June 17, 2008 for TRUE FOOD®, by virtue of Petitioner's federal registration for TRUE FOOD®.

39. Respondent's use and continued registration of TRUE CRAFTED PIZZA are and/or will be likely to cause confusion with Petitioner's TRUE FOOD® mark and other TRUE Marks.

40. Respondent's use and continued registration of TRUE CRAFTED PIZZA have impaired and/or will impair Petitioner's use of the TRUE FOOD® mark and other TRUE Marks.

41. Respondent's use and continued registration of TRUE CRAFTED PIZZA have caused and/or will cause harm to Petitioner and its business.

Likelihood of Confusion

42. Respondent's use and continued registration of TRUE CRAFTED PIZZA is likely to cause confusion with Petitioner's TRUE FOOD® mark and other TRUE Marks and Petitioner's use of these marks in connection with its restaurant and related services.

43. The predominant word in Respondent's TRUE CRAFTED PIZZA mark as it is actually used by Respondent at the restaurant and on the Internet—namely, TRUE—is identical to the predominant word in Petitioner's TRUE Marks—namely, TRUE.

44. The predominant word in Respondent's mark, TRUE, as it is actually used by Respondent at the restaurant and on the Internet, has the exact same sound and appearance as the predominant word in Petitioner's TRUE Marks.

45. The terms “FOOD” and “CRAFTED PIZZA” are highly related, as crafted pizza is a type of food, and hence TRUE FOOD® and TRUE CRAFTED PIZZA are closely related as a whole.

46. The terms “FOOD” and “CRAFTED PIZZA” are descriptive of the named goods and services covered by Petitioner’s and Respondent’s respective marks.

47. Respondent’s Registration covers the same goods and services that are offered by Petitioner under its TRUE Marks.

48. On information and belief, Respondent offers its goods and services under TRUE CRAFTED PIZZA to the same kinds of consumers to whom Petitioner offers and sells its goods and services under its TRUE Marks.

49. On information and belief, Respondent offers its goods and services under TRUE CRAFTED PIZZA in some of the same or similar channels of trade in which Petitioner offers and sells its goods and services under its TRUE Marks.

50. Respondent markets its goods and services on the Internet and social media, just as Petitioner markets its goods and services on the Internet and social media.

51. Respondent’s use of TRUE CRAFTED PIZZA trades on Petitioner’s goodwill in its TRUE Marks.

52. On information and belief, some consumers familiar with Petitioner’s genuine TRUE FOOD® restaurants, seeing TRUE CRAFTED PIZZA, especially given how Respondent uses a giant TRUE compared to the other words in its signage and elsewhere, and given how Respondent also makes various uses of TRUE without “CRAFTED PIZZA,” would mistakenly believe that TRUE CRAFTED PIZZA is associated or affiliated with genuine TRUE FOOD® restaurants.

53. Respondent’s TRUE CRAFTED PIZZA mark so resembles Petitioner’s TRUE Marks, so as to make it likely, when applied to the registered goods and services, to cause mistake and confusion among, and to deceive, the trade and the public, with consequential injury to Petitioner.

Conclusion

For these reasons, the Board should grant judgment in favor of Petitioner and should cancel Respondent's Registration No. 4,503,098 in accordance with Section 14 of the Trademark Act, 15 U.S.C. §1064.

Respectfully submitted this 19th day of March 2019.

BACAL LAW GROUP, P.C.

By: /s/Glenn Spencer Bacal
Glenn Spencer Bacal
Sean David Garrison
6991 E. Camelback Rd., Ste D-102
Scottsdale, AZ 85251
Telephone: 480.245.6233
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*Attorneys for Petitioner,
FRC Balance LLC*

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Registration No.: 4,503,098
Mark: TRUE CRAFTED PIZZA
Petitioner: FRC Balance LLC
Type of Filing: Petition for Cancellation

I hereby certify that this Petition for Cancellation is being filed electronically with the United States Trademark Trial and Appeal Board pursuant to 37 C.F.R. § 2.119.

/s/ Glenn S. Bacal
Signature

March 19, 2019
Date

Exhibit 1

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,620,741

Registered May 12, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

TRUE FOOD

FOX RESTAURANT CONCEPTS LLC (ARIZONA
LIMITED LIABILITY COMPANY)

7135 E. CAMELBACK RD, #260

SCOTTSDALE, AZ 85251

FOR: FULL SERVICE, SIT-DOWN RESTAURANT
AND BAR SERVICES FEATURING ORGANIC,
HEALTHFUL, NON-ARTIFICIAL AND NUTRI-
TIOUS FOODS, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 3-17-2009; IN COMMERCE 3-17-2009.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "FOOD", APART FROM THE
MARK AS SHOWN.

SN 77-501,250, FILED 6-17-2008.

SETH A. RAPPAPORT, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2019-03-18 16:10:59 EDT

Mark: TRUE FOOD

TRUE FOOD

US Serial Number: 77501250

Application Filing Date: Jun. 17, 2008

US Registration Number: 3620741

Registration Date: May 12, 2009

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Jun. 05, 2018

Publication Date: Nov. 18, 2008

Notice of Allowance Date: Feb. 10, 2009

Mark Information

Mark Literal Elements: TRUE FOOD

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "FOOD"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Full service, sit-down restaurant and bar services featuring organic, healthful, non-artificial and nutritious foods

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 17, 2009

Use in Commerce: Mar. 17, 2009

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: FRC BALANCE LLC

Owner Address: 4455 East Camelback Road, Suite A115
Phoenix, ARIZONA 85018
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country ARIZONA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Glenn Spencer Bacal

Docket Number: 60003-1002

Attorney Primary Email Address: glenn.bacal@bacalgroup.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Glenn Spencer Bacal
Bacal Law Group PC
6991 East Camelback Road, Suite D-102
Scottsdale, ARIZONA 85251
UNITED STATES

Phone: 480.245.6233

Correspondent e-mail: glenn.bacal@bacalgroup.com jamie.tuccio@bacalgroup.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 05, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 05, 2018	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Jun. 05, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68502
Jun. 05, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
May 24, 2018	TEAS SECTION 8 & 9 RECEIVED	
May 12, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jul. 11, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 11, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
May 19, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	76533
Jul. 08, 2014	PAPER RECEIVED	
Jun. 13, 2014	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	76533
Jun. 06, 2014	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jun. 04, 2014	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	76533
Jun. 04, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
May 19, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 23, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 23, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 23, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 23, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 14, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 08, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 12, 2009	REGISTERED-PRINCIPAL REGISTER	
Apr. 08, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	76243
Apr. 08, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 07, 2009	STATEMENT OF USE PROCESSING COMPLETE	66154
Mar. 18, 2009	USE AMENDMENT FILED	66154
Apr. 07, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Mar. 18, 2009	TEAS STATEMENT OF USE RECEIVED	
Feb. 10, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 18, 2008	PUBLISHED FOR OPPOSITION	
Oct. 29, 2008	NOTICE OF PUBLICATION	
Oct. 16, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
Oct. 15, 2008	ASSIGNED TO LIE	76243
Oct. 01, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	

Sep. 23, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 23, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 23, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 23, 2008	EXAMINERS AMENDMENT -WRITTEN	82438
Sep. 23, 2008	ASSIGNED TO EXAMINER	82438
Jun. 20, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 12, 2019

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 05, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 8

Registrant: Fox Restaurant Concepts LLC

Assignment 1 of 8

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4016/0598](#)

Pages: 5

Date Recorded: Jul. 02, 2009

Supporting Documents: [assignment-tm-4016-0598.pdf](#)

Assignor

Name: [FOX RESTAURANT CONCEPTS LLC](#)

Execution Date: Jul. 02, 2009

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Assignee

Name: [FRC BALANCE LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 7135 EAST CAMELBACK ROAD, #260
SCOTTSDALE, ARIZONA 85251

Correspondent

Correspondent Name: GLENN S. BACAL

Correspondent Address: 16427 NORTH SCOTTSDALE RD., SUITE 300
SCOTTSDALE, AZ 85254-1597

Domestic Representative - Not Found

Assignment 2 of 8

Conveyance: MERGER EFFECTIVE 12/15/2010

Reel/Frame: [4461/0700](#)

Pages: 5

Date Recorded: Jan. 27, 2011

Supporting Documents: [assignment-tm-4461-0700.pdf](#)

Assignor

Name: [FRC BALANCE LLC](#)

Execution Date: Dec. 15, 2010

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee**Name:** [FRC MERGERCO 35 LLC](#)**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** ARIZONA**Address:** 7135 EAST CAMELBACK ROAD, SUITE 260
SCOTTSDALE, ARIZONA 85251**Correspondent****Correspondent Name:** GLENN S. BACAL C/O BACAL LAW GROUP, P.C.**Correspondent Address:** 6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE, AZ 85251**Domestic Representative - Not Found****Assignment 3 of 8****Conveyance:** CHANGE OF NAME**Reel/Frame:** [4461/0721](#)**Pages:** 3**Date Recorded:** Jan. 27, 2011**Supporting Documents:** [assignment-tm-4461-0721.pdf](#)**Assignor****Name:** [FRC MERGERCO 35 LLC](#)**Execution Date:** Dec. 28, 2010**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** ARIZONA**Assignee****Name:** [FRC BALANCE LLC](#)**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** ARIZONA**Address:** 7135 EAST CAMELBACK ROAD, SUITE 260
SCOTTSDALE, ARIZONA 85251**Correspondent****Correspondent Name:** GLENN S. BACAL C/O BACAL LAW GROUP, P.C.**Correspondent Address:** 6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE, AZ 85251**Domestic Representative - Not Found****Assignment 4 of 8****Conveyance:** SECURITY AGREEMENT**Reel/Frame:** [5685/0441](#)**Pages:** 7**Date Recorded:** Dec. 08, 2015**Supporting Documents:** [assignment-tm-5685-0441.pdf](#)**Assignor****Name:** [FRC BALANCE, LLC](#)**Execution Date:** Dec. 07, 2015**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** DELAWARE**Assignee****Name:** [WOK MEMBER LLC](#)**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** DELAWARE**Address:** 7676 EAST PINNACLE ROAD
SCOTTSDALE, ARIZONA 85255**Correspondent****Correspondent Name:** TREVOR HARRIS**Correspondent Address:** 208 SOUTH LASALLE -SUITE 814
CHICAGO, IL 60604**Domestic Representative - Not Found**

Assignment 5 of 8

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5811/0903](#)

Pages: 4

Date Recorded: Jun. 13, 2016

Supporting Documents: [assignment-tm-5811-0903.pdf](#)

Assignor

Name: [WOK MEMBER LLC](#)

Execution Date: May 09, 2016

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [FRC BALANCE, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Address: 4455 EAST CAMELBACK ROAD
SUITE B100
PHOENIX, ARIZONA 85018

Correspondent

Correspondent Name: MARC CURRIE, SNELL & WILMER L.L.P.

Correspondent Address: 400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX, AZ 85004-2202

Domestic Representative - Not Found

Assignment 6 of 8

Conveyance: SECURITY INTEREST

Reel/Frame: [6189/0040](#)

Pages: 7

Date Recorded: Oct. 24, 2017

Supporting Documents: [assignment-tm-6189-0040.pdf](#)

Assignor

Name: [FRC BALANCE LLC](#)

Execution Date: Oct. 13, 2017

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Assignee

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 1808 ASTON AVENUE, SUITE 250
CARLSBAD, CALIFORNIA 92008

Correspondent

Correspondent Name: KATARZYNA GAYSUNAS

Correspondent Address: 1 FEDERAL STREET
C/O MORGAN LEWIS BOCKIUS LLP
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 7 of 8

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [6504/0221](#)

Pages: 5

Date Recorded: Dec. 20, 2018

Supporting Documents: [assignment-tm-6504-0221.pdf](#)

Assignor

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)

Execution Date: Dec. 19, 2018

Legal Entity Type: NATIONAL ASSOCIATION

State or Country UNITED STATES

Where Organized:

Assignee

Name: [FRC BALANCE LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: ARIZONA
Where Organized:

Address: 4455 E. CAMELBACK RD. A115
PHOENIX, ARIZONA 85018

Correspondent

Correspondent Name: KATARZYNA GAYSUNAS

Correspondent Address: 1 FEDERAL STREET
C/O MORGAN, LEWIS & BOCKIUS LLP
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 8 of 8

Conveyance: SECURITY INTEREST

Reel/Frame: [6557/0920](#)

Pages: 7

Date Recorded: Dec. 19, 2018

Supporting Documents: [assignment-tm-6557-0920.pdf](#)

Assignor

Name: [FRC BALANCE LLC](#)

Execution Date: Dec. 19, 2018

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: ARIZONA
Where Organized:

Assignee

Name: [BANK OF AMERICA, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country: UNITED STATES
Where Organized:

Address: 900 W TRADE STREET
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: KATARZYNA GAYSUNAS

Correspondent Address: 1 FEDERAL STREET
C/O MORGAN, LEWIS & BOCKIUS LLP
BOSTON, MA 02110

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 9

Type of Proceeding: Opposition

Proceeding Number: [91245204](#)

Filing Date: Dec 10, 2018

Status: Terminated

Status Date: Dec 20, 2018

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Gold Coast Traditions LLC

Correspondent Address: JENNIFER MELLARD
GOLD COAST TRADITIONS LLC
6786 PECUE LANE SUITE C
BATON ROUGE LA , 70817
UNITED STATES

Correspondent e-mail: info@goldcoasttraditions.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRUEATS	Abandoned - After Inter-Partes Decision	87851493	
Plaintiff(s)			

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com , kris.haley@bacalgroup.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 10, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 10, 2018	Jan 19, 2019
3	PENDING, INSTITUTED	Dec 10, 2018	
4	W/DRAW OF APPLICATION	Dec 18, 2018	
5	BD DECISION: OPP DISMISSED W/O PREJ	Dec 20, 2018	
6	TERMINATED	Dec 20, 2018	

Type of Proceeding: Opposition

Proceeding Number: [91238625](#)

Filing Date: Dec 27, 2017

Status: Terminated

Status Date: Sep 29, 2018

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: True North Salmon Co. Ltd.

Correspondent Address: JONATHAN B. HUNTINGTON
Eaton Peabody P A
77 SEWALL ST STE 3000
AUGUSTA ME , 04330
UNITED STATES

Correspondent e-mail: jhuntington@eatonpeabody.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
EAT TRUE	Registered	86596636	5598260
Plaintiff(s)			

Name: FRC Balance LLC

Correspondent Address: Glenn S. Bacal
Bacal Law Group, P.C.
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number

TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 27, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 27, 2017	Feb 05, 2018
3	PENDING, INSTITUTED	Dec 27, 2017	
4	ANSWER	Feb 01, 2018	
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 31, 2018	
6	SUSPENDED	Jul 31, 2018	
7	W/DRAW OF OPPOSITION	Sep 17, 2018	
8	BD DECISION: OPP DISMISSED W/O PREJ	Sep 29, 2018	
9	TERMINATED	Sep 29, 2018	

Type of Proceeding: Opposition

Proceeding Number: [91230377](#)

Filing Date: Sep 29, 2016

Status: Terminated

Status Date: Jan 30, 2017

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: ForTrueFoodiesOnly Inc.

Correspondent Address: ADAM SACHAROFF
MUCH SHEIST PC
191 N WACKER DRIVE, SUITE 1800
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: ipdocket@muchshelist.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FOR TRUE FOODIES ONLY	Abandoned - After Inter-Partes Decision	86656271	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 29, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2016	Nov 08, 2016
3	PENDING, INSTITUTED	Sep 29, 2016	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 18, 2016	
5	SUSPENDED	Nov 18, 2016	
6	W/DRAW OF APPLICATION	Jan 29, 2017	
7	BD DECISION: SUSTAINED	Jan 30, 2017	
8	TERMINATED	Jan 30, 2017	

Type of Proceeding: Opposition**Proceeding Number:** [91230379](#)**Filing Date:** Sep 29, 2016**Status:** Terminated**Status Date:** Jan 30, 2017**Interlocutory Attorney:** ROBERT COGGINS**Defendant****Name:** For TrueFoodiesOnly Inc.**Correspondent Address:** ADAM K SACHAROFF
MUCH SHELIST PC
191 N WACKER DRIVE, SUITE 1800
CHICAGO IL , 60606
UNITED STATES**Correspondent e-mail:** ipdocket@muchshelist.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRUE FOODIES	Abandoned - After Inter-Partes Decision	86656567	

Plaintiff(s)**Name:** FRC Balance LLC**Correspondent Address:** GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES**Correspondent e-mail:** glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 29, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2016	Nov 08, 2016
3	PENDING, INSTITUTED	Sep 29, 2016	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 18, 2016	
5	SUSPENDED	Nov 18, 2016	
6	W/DRAW OF APPLICATION	Jan 29, 2017	
7	BD DECISION: SUSTAINED	Jan 30, 2017	
8	TERMINATED	Jan 30, 2017	

Type of Proceeding: Opposition**Proceeding Number:** [91229746](#)**Filing Date:** Dec 02, 2016**Status:** Terminated**Status Date:** Feb 11, 2017**Interlocutory Attorney:** CHRISTEN M ENGLISH**Defendant****Name:** Beverage Innovations Group, LLC**Correspondent Address:** ANDREW C AITKEN
IP LAW LEADERS PLLC
1701 PENNSYLVANIA AVE NW, STE 300
WASHINGTON DC , 20006-5813
UNITED STATES**Correspondent e-mail:** acaitken@iplfirm.com , rjho@iplfirm.com , acaitken@yahoo.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRU FUEL.REAL.GOOD.	Abandoned - No Statement Of Use Filed	86736590	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 26, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2016	Oct 05, 2016
3	PENDING, INSTITUTED	Aug 26, 2016	
4	ANSWER	Oct 05, 2016	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 02, 2016	
6	SUSPENDED	Dec 07, 2016	
7	W/DRAW OF OPPOSITION	Feb 07, 2017	
8	BD DECISION: DISMISSED W/O PREJ	Feb 11, 2017	
9	TERMINATED	Feb 11, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91229749](#)

Filing Date: Aug 26, 2016

Status: Terminated

Status Date: Nov 14, 2016

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Sundia Corporation

Correspondent Address: THOMAS D FOSTER
TDFOSTER INTELLECTUAL PROPERTY LAW
11622 EL CAMINO REAL STE 100
SAN DIEGO CA , 92130-2051
UNITED STATES

Correspondent e-mail: foster@tdfooster.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE CHIA	Registered	86376213	5191612

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D 102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
JUBY TRUE	Cancellation Terminated - See TTAB Records	86026284	4497563

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 26, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2016	Oct 05, 2016
3	PENDING, INSTITUTED	Aug 26, 2016	
4	STIP FOR EXT	Oct 05, 2016	
5	EXTENSION OF TIME GRANTED	Oct 05, 2016	
6	W/DRAW OF OPPOSITION	Nov 09, 2016	
7	BD DECISION: DISMISSED W/O PREJ	Nov 14, 2016	
8	TERMINATED	Nov 14, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91220760](#)

Filing Date: Feb 20, 2015

Status: Terminated

Status Date: May 26, 2015

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: TruFood Mfg., Inc.

Correspondent Address: NEAL P PIEROTTI
METZ LEWIS BRODMAN MUST O'KEEFE
535 SMITHFIELD ST, SUITE 800
PITTSBURGH PA , 15222-2305
UNITED STATES

Correspondent e-mail: ipdocket@metzlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUFOOD	Abandoned - After Inter-Partes Decision	86065240	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD , SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181
JUBY TRUE	Cancellation Terminated - See TTAB Records	86026284	4497563

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 20, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 24, 2015	Apr 05, 2015
3	PENDING, INSTITUTED	Feb 24, 2015	
4	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 02, 2015	
5	SUSPENDED	Apr 02, 2015	

6	D MOT FOR EXT W/ CONSENT	May 04, 2015
7	EXTENSION OF TIME GRANTED	May 07, 2015
8	ANSWER	May 12, 2015
9	W/DRAW OF APPLICATION	May 20, 2015
10	W/DRAW OF OPPOSITION	May 20, 2015
11	BD DECISION: DISMISSED W/O PREJ	May 26, 2015
12	TERMINATED	May 26, 2015

Type of Proceeding: Opposition

Proceeding Number: [91219889](#)

Filing Date: Dec 22, 2014

Status: Terminated

Status Date: Jan 06, 2015

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Founding Farmers, LLC

Correspondent Address: ERIC J VON VORYS
SHULMAN ROGERS GANDAL PORDY & ECKER PA
12505 PARK POTOMAC AVENUE, SIXTH FLOOR
POTOMAC MD , 20854
UNITED STATES

Correspondent e-mail: evonvorys@shulmanrogers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FF FOUNDING FARMERS TRUE FOOD & DRINK	Abandoned - After Inter-Partes Decision	86138228	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D 102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 22, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2014	Jan 31, 2015
3	PENDING, INSTITUTED	Dec 22, 2014	
4	W/DRAW OF APPLICATION W/O CONSENT	Jan 02, 2015	
5	BD DECISION: SUSTAINED	Jan 06, 2015	
6	TERMINATED	Jan 06, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91208321](#)

Filing Date: Dec 05, 2012

Status: Terminated

Status Date: Mar 06, 2013

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: TMCO LLC

Correspondent Address: TMCO LLC
148 REMINGTON ST
FORT COLLINS CO , 80524
UNITED STATES

Correspondent e-mail: dwolter@migcap.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOODS	Abandoned - After Inter-Partes Decision	85596730	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK RD, SUITE D 102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 05, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 05, 2012	Jan 14, 2013
3	PENDING, INSTITUTED	Dec 05, 2012	
4	P'S MOTION FOR DEFAULT JUDGEMENT	Jan 22, 2013	
5	BD DECISION: SUSTAINED	Mar 06, 2013	
6	TERMINATED	Mar 06, 2013	

United States of America

United States Patent and Trademark Office

TRUE FOOD KITCHEN

Reg. No. 4,049,211

Registered Nov. 1, 2011

Int. Cl.: 43

SERVICE MARK

PRINCIPAL REGISTER

FRC BALANCE LLC (ARIZONA LIMITED LIABILITY COMPANY)
7135 EAST CAMELBACK ROAD, #260
SCOTTSDALE, AZ 85251

FOR: RESTAURANT RESERVATION SERVICES; PREPARATION OF FOOD AND BEVERAGES FOR OTHERS; COCKTAIL LOUNGE SERVICES; RESTAURANT CARRY OUT SERVICES; CATERING SERVICES; RESTAURANT SERVICES; CAFE SERVICES; TAKE-OUT RESTAURANT SERVICES; RESTAURANTS FEATURING PRIVATE DINING ROOMS; PROVIDING DINING FACILITIES FOR SPECIAL EVENTS AND PRIVATE PARTIES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 8-2-2010; IN COMMERCE 8-2-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,620,741, 3,688,743, AND 3,961,181.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FOOD KITCHEN" , APART FROM THE MARK AS SHOWN.

SER. NO. 85-290,527, FILED 4-8-2011.

KATHERINE CHANG, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

Generated on: This page was generated by TSDR on 2019-03-18 16:12:18 EDT

Mark: TRUE FOOD KITCHEN

TRUE FOOD KITCHEN

US Serial Number: 85290527

Application Filing Date: Apr. 08, 2011

US Registration Number: 4049211

Registration Date: Nov. 01, 2011

Register: Principal

Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jan. 10, 2017

Publication Date: Aug. 16, 2011

Mark Information

Mark Literal Elements: TRUE FOOD KITCHEN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "FOOD KITCHEN"

Related Properties Information

Claimed Ownership of US Registrations: 3620741, 3688743, 3961181

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Restaurant reservation services; Preparation of food and beverages for others; Cocktail lounge services; Restaurant carry out services; Catering services; Restaurant services; Cafe services; Take-out restaurant services; Restaurants featuring private dining rooms; Providing dining facilities for special events and private parties

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 02, 2010

Use in Commerce: Aug. 02, 2010

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: FRC Balance LLC

Owner Address: 4455 East Camelback Road, Suite B100
Phoenix, ARIZONA 85018
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country ARIZONA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Glenn S. Bacal

Docket Number: 60003-1004

Attorney Primary glenn.bacal@bacalgroup.com
Email Address:

Attorney Email No
Authorized:

Correspondent

Correspondent GLENN S. BACAL
Name/Address: BACAL LAW GROUP, P.C.
6991 E CAMELBACK RD STE D102
SCOTTSDALE, ARIZONA 85251-2465
UNITED STATES

Phone: 4802456233

Correspondent e-mail: glenn.bacal@bacalgroup.com jamie.tuccio@bacalgroup.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 10, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 10, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70132
Jan. 10, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132
Nov. 02, 2016	TEAS SECTION 8 & 15 RECEIVED	
Nov. 02, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 01, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Aug. 23, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 23, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 23, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 23, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 01, 2011	REGISTERED-PRINCIPAL REGISTER	
Aug. 16, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 16, 2011	PUBLISHED FOR OPPOSITION	
Jul. 14, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Jul. 12, 2011	ASSIGNED TO LIE	73296
Jul. 12, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 12, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 12, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 12, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 12, 2011	EXAMINERS AMENDMENT -WRITTEN	82414
Jul. 11, 2011	ASSIGNED TO EXAMINER	82414
Apr. 14, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 12, 2011	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Section 8 - Accepted
Continued Use:

Affidavit of Section 15 - Accepted

Incontestability:

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115

Date in Location: Jan. 10, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: FRC Balance LLC

Assignment 1 of 5

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5685/0441](#)

Pages: 7

Date Recorded: Dec. 08, 2015

Supporting Documents: [assignment-tm-5685-0441.pdf](#)

Assignor

Name: [FRC BALANCE, LLC](#)

Execution Date: Dec. 07, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [WOK MEMBER LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 7676 EAST PINNACLE ROAD
SCOTTSDALE, ARIZONA 85255

Correspondent

Correspondent Name: TREVOR HARRIS

Correspondent Address: 208 SOUTH LASALLE -SUITE 814
CHICAGO, IL 60604

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5811/0903](#)

Pages: 4

Date Recorded: Jun. 13, 2016

Supporting Documents: [assignment-tm-5811-0903.pdf](#)

Assignor

Name: [WOK MEMBER LLC](#)

Execution Date: May 09, 2016

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [FRC BALANCE, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Address: 4455 EAST CAMELBACK ROAD
SUITE B100
PHOENIX, ARIZONA 85018

Correspondent

Correspondent Name: MARC CURRIE, SNELL & WILMER L.L.P.

Correspondent Address: 400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX, AZ 85004-2202

Domestic Representative - Not Found**Assignment 3 of 5****Conveyance:** SECURITY INTEREST**Reel/Frame:** [6189/0040](#)**Pages:** 7**Date Recorded:** Oct. 24, 2017**Supporting Documents:** [assignment-tm-6189-0040.pdf](#)**Assignor****Name:** [FRC BALANCE LLC](#)**Execution Date:** Oct. 13, 2017**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** ARIZONA**Assignee****Name:** [WELLS FARGO BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT](#)**Legal Entity Type:** NATIONAL BANKING ASSOCIATION**State or Country Where Organized:** UNITED STATES**Address:** 1808 ASTON AVENUE, SUITE 250
CARLSBAD, CALIFORNIA 92008**Correspondent****Correspondent Name:** KATARZYNA GAYSUNAS**Correspondent Address:** 1 FEDERAL STREET
C/O MORGAN LEWIS BOCKIUS LLP
BOSTON, MA 02110**Domestic Representative - Not Found****Assignment 4 of 5****Conveyance:** RELEASE BY SECURED PARTY**Reel/Frame:** [6504/0221](#)**Pages:** 5**Date Recorded:** Dec. 20, 2018**Supporting Documents:** [assignment-tm-6504-0221.pdf](#)**Assignor****Name:** [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)**Execution Date:** Dec. 19, 2018**Legal Entity Type:** NATIONAL ASSOCIATION**State or Country Where Organized:** UNITED STATES**Assignee****Name:** [FRC BALANCE LLC](#)**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** ARIZONA**Address:** 4455 E. CAMELBACK RD. A115
PHOENIX, ARIZONA 85018**Correspondent****Correspondent Name:** KATARZYNA GAYSUNAS**Correspondent Address:** 1 FEDERAL STREET
C/O MORGAN, LEWIS & BOCKIUS LLP
BOSTON, MA 02110**Domestic Representative - Not Found****Assignment 5 of 5****Conveyance:** SECURITY INTEREST**Reel/Frame:** [6557/0920](#)**Pages:** 7**Date Recorded:** Dec. 19, 2018**Supporting Documents:** [assignment-tm-6557-0920.pdf](#)**Assignor****Name:** [FRC BALANCE LLC](#)**Execution Date:** Dec. 19, 2018

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country ARIZONA
Where Organized:

Assignee

Name: [BANK OF AMERICA, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country UNITED STATES
Where Organized:

Address: 900 W TRADE STREET
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: KATARZYNA GAYSUNAS

Correspondent Address: 1 FEDERAL STREET
C/O MORGAN, LEWIS & BOCKIUS LLP
BOSTON, MA 02110

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: [91245204](#)

Filing Date: Dec 10, 2018

Status: Terminated

Status Date: Dec 20, 2018

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Gold Coast Traditions LLC

Correspondent Address: JENNIFER MELLARD
GOLD COAST TRADITIONS LLC
6786 PECUE LANE SUITE C
BATON ROUGE LA , 70817
UNITED STATES

Correspondent e-mail: info@goldcoasttraditions.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUEATS	Abandoned - After Inter-Partes Decision	77501250	3620741

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com , kris.haley@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 10, 2018	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 10, 2018	Jan 19, 2019
3	PENDING, INSTITUTED	Dec 10, 2018	
4	W/DRAW OF APPLICATION	Dec 18, 2018	
5	BD DECISION: OPP DISMISSED W/O PREJ	Dec 20, 2018	
6	TERMINATED	Dec 20, 2018	

Type of Proceeding: Opposition

Proceeding Number: [91238625](#)

Filing Date: Dec 27, 2017

Status: Terminated

Status Date: Sep 29, 2018

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: True North Salmon Co. Ltd.

Correspondent JONATHAN B. HUNTINGTON

Address: Eaton Peabody P A
77 SEWALL ST STE 3000
AUGUSTA ME , 04330
UNITED STATES

Correspondent e-mail: jhuntington@eatonpeabody.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EAT TRUE	Registered	86596636	5598260

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Glenn S. Bacal

Address: Bacal Law Group, P.C.
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 27, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 27, 2017	Feb 05, 2018
3	PENDING, INSTITUTED	Dec 27, 2017	
4	ANSWER	Feb 01, 2018	
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 31, 2018	
6	SUSPENDED	Jul 31, 2018	
7	W/DRAW OF OPPOSITION	Sep 17, 2018	
8	BD DECISION: OPP DISMISSED W/O PREJ	Sep 29, 2018	
9	TERMINATED	Sep 29, 2018	

Type of Proceeding: Opposition

Proceeding Number: [91220760](#)

Filing Date: Feb 20, 2015

Status: Terminated

Status Date: May 26, 2015

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: TruFood Mfg., Inc.

Correspondent NEAL P PIEROTTI
Address: METZ LEWIS BRODMAN MUST O'KEEFE
535 SMITHFIELD ST, SUITE 800
PITTSBURGH PA , 15222-2305
UNITED STATES

Correspondent e-mail: ipdocket@metzlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUFOOD	Abandoned - After Inter-Partes Decision	86065240	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent GLENN S BACAL
Address: BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD , SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181
JUBY TRUE	Cancellation Terminated - See TTAB Records	86026284	4497563

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 20, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 24, 2015	Apr 05, 2015
3	PENDING, INSTITUTED	Feb 24, 2015	
4	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 02, 2015	
5	SUSPENDED	Apr 02, 2015	
6	D MOT FOR EXT W/ CONSENT	May 04, 2015	
7	EXTENSION OF TIME GRANTED	May 07, 2015	
8	ANSWER	May 12, 2015	
9	W/DRAW OF APPLICATION	May 20, 2015	
10	W/DRAW OF OPPOSITION	May 20, 2015	
11	BD DECISION: DISMISSED W/O PREJ	May 26, 2015	
12	TERMINATED	May 26, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91219889](#)

Filing Date: Dec 22, 2014

Status: Terminated

Status Date: Jan 06, 2015

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Founding Farmers, LLC

Correspondent ERIC J VON VORYS
Address: SHULMAN ROGERS GANDAL PORDY & ECKER PA
12505 PARK POTOMAC AVENUE, SIXTH FLOOR
POTOMAC MD , 20854
UNITED STATES

Correspondent e-mail: evonvorys@shulmanrogers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FF FOUNDING FARMERS TRUE FOOD & DRINK	Abandoned - After Inter-Partes Decision	86138228	
Plaintiff(s)			

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D 102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 22, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2014	Jan 31, 2015
3	PENDING, INSTITUTED	Dec 22, 2014	
4	W/DRAW OF APPLICATION W/O CONSENT	Jan 02, 2015	
5	BD DECISION: SUSTAINED	Jan 06, 2015	
6	TERMINATED	Jan 06, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91208321](#)

Filing Date: Dec 05, 2012

Status: Terminated

Status Date: Mar 06, 2013

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: TMCO LLC

Correspondent Address: TMCO LLC
148 REMINGTON ST
FORT COLLINS CO , 80524
UNITED STATES

Correspondent e-mail: dwolter@migcap.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOODS	Abandoned - After Inter-Partes Decision	85596730	
Plaintiff(s)			

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK RD, SUITE D 102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 05, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 05, 2012	Jan 14, 2013
3	PENDING, INSTITUTED	Dec 05, 2012	
4	P'S MOTION FOR DEFAULT JUDGEMENT	Jan 22, 2013	
5	BD DECISION: SUSTAINED	Mar 06, 2013	
6	TERMINATED	Mar 06, 2013	

United States of America

United States Patent and Trademark Office

TRUE FOOD KITCHEN

Reg. No. 4,052,881

Registered Nov. 8, 2011

Int. Cls.: 35 and 41

SERVICE MARK

PRINCIPAL REGISTER

FRC BALANCE LLC (ARIZONA LIMITED LIABILITY COMPANY)
7135 EAST CAMELBACK ROAD, #260
SCOTTSDALE, AZ 85251

FOR: HOSTING OF BUSINESS EVENTS AND MEETINGS FOR OTHERS; PROVIDING A VENUE FOR BUSINESS EVENTS AND MEETINGS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-2-2010; IN COMMERCE 8-2-2010.

FOR: HOSTING OF SOCIAL ENTERTAINMENT EVENTS; HOSTING BIRTHDAY PARTIES; PROVIDING A VENUE FOR EDUCATIONAL EVENTS; ENTERTAINMENT SERVICES, NAMELY, WINE TASTINGS AND FOOD TASTINGS; HOSTING OF EDUCATIONAL COOKING DEMONSTRATIONS AND LECTURES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-2-2010; IN COMMERCE 8-2-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,620,741, 3,688,743, AND 3,961,181.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FOOD KITCHEN", APART FROM THE MARK AS SHOWN.

SER. NO. 85-291,955, FILED 4-11-2011.

KATHERINE CHANG, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

Generated on: This page was generated by TSDR on 2019-03-18 16:13:28 EDT

Mark: TRUE FOOD KITCHEN

TRUE FOOD KITCHEN

US Serial Number: 85291955

Application Filing Date: Apr. 11, 2011

US Registration Number: 4052881

Registration Date: Nov. 08, 2011

Register: Principal

Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jan. 23, 2017

Publication Date: Aug. 23, 2011

Mark Information

Mark Literal Elements: TRUE FOOD KITCHEN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "FOOD KITCHEN"

Related Properties Information

Claimed Ownership of US Registrations: 3620741, 3688743, 3961181

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Hosting of social entertainment events; Hosting birthday parties; Providing a venue for educational events; Entertainment services, namely, wine tastings and food tastings; Hosting of educational cooking demonstrations and lectures

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 02, 2010

Use in Commerce: Aug. 02, 2010

For: Hosting of business events and meetings for others; Providing a venue for business events and meetings

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 02, 2010

Use in Commerce: Aug. 02, 2010

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: FRC Balance LLC

Owner Address: 4455 East Camelback Road, Suite B100
Phoenix, ARIZONA 85018
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country ARIZONA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Glenn S. Bacal

Docket Number: 60003-1005

Attorney Primary glenn.bacal@bacalgroup.com
Email Address:

Attorney Email No
Authorized:

Correspondent

Correspondent GLENN S. BACAL
Name/Address: BACAL LAW GROUP, P.C.
6991 E CAMELBACK RD STE D102
SCOTTSDALE, ARIZONA 85251-2465
UNITED STATES

Phone: 4802456233

Correspondent e- glenn.bacal@bacalgroup.com [jamie.tuccio@bacal](mailto:jamie.tuccio@bacalgroup.com)
mail: group.com

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 23, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 23, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Jan. 23, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Nov. 14, 2016	TEAS SECTION 8 & 15 RECEIVED	
Nov. 14, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 08, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Aug. 23, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 23, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 23, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 23, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 08, 2011	REGISTERED-PRINCIPAL REGISTER	
Aug. 23, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 23, 2011	PUBLISHED FOR OPPOSITION	
Jul. 21, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
Jul. 20, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 20, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	68658
Jul. 20, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	68658
Jul. 13, 2011	ASSIGNED TO LIE	68658
Jul. 12, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 12, 2011	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Jul. 12, 2011	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Jul. 12, 2011	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	82414

Jul. 11, 2011 ASSIGNED TO EXAMINER
Apr. 14, 2011 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Apr. 14, 2011 NEW APPLICATION ENTERED IN TRAM

82414

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115

Date in Location: Jan. 23, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: FRC Balance LLC

Assignment 1 of 5

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5685/0441](#)

Pages: 7

Date Recorded: Dec. 08, 2015

Supporting Documents: [assignment-tm-5685-0441.pdf](#)

Assignor

Name: [FRC BALANCE, LLC](#)

Execution Date: Dec. 07, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [WOK MEMBER LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 7676 EAST PINNACLE ROAD
SCOTTSDALE, ARIZONA 85255

Correspondent

Correspondent Name: TREVOR HARRIS

Correspondent Address: 208 SOUTH LASALLE -SUITE 814
CHICAGO, IL 60604

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5811/0903](#)

Pages: 4

Date Recorded: Jun. 13, 2016

Supporting Documents: [assignment-tm-5811-0903.pdf](#)

Assignor

Name: [WOK MEMBER LLC](#)

Execution Date: May 09, 2016

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [FRC BALANCE, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Address: 4455 EAST CAMELBACK ROAD
SUITE B100
PHOENIX, ARIZONA 85018

Correspondent

Correspondent Name: MARC CURRIE, SNELL & WILMER L.L.P.

Correspondent Address: 400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX, AZ 85004-2202

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [6189/0040](#)

Pages: 7

Date Recorded: Oct. 24, 2017

Supporting Documents: [assignment-tm-6189-0040.pdf](#)

Assignor

Name: [FRC BALANCE LLC](#)

Execution Date: Oct. 13, 2017

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Assignee

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 1808 ASTON AVENUE, SUITE 250
CARLSBAD, CALIFORNIA 92008

Correspondent

Correspondent Name: KATARZYNA GAYSUNAS

Correspondent Address: 1 FEDERAL STREET
C/O MORGAN LEWIS BOCKIUS LLP
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [6504/0221](#)

Pages: 5

Date Recorded: Dec. 20, 2018

Supporting Documents: [assignment-tm-6504-0221.pdf](#)

Assignor

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)

Execution Date: Dec. 19, 2018

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Assignee

Name: [FRC BALANCE LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Address: 4455 E. CAMELBACK RD. A115
PHOENIX, ARIZONA 85018

Correspondent

Correspondent Name: KATARZYNA GAYSUNAS

Correspondent Address: 1 FEDERAL STREET
C/O MORGAN, LEWIS & BOCKIUS LLP
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [6557/0920](#)

Pages: 7

Date Recorded: Dec. 19, 2018

Supporting Documents: [assignment-tm-6557-0920.pdf](#)

Assignor

Name: [FRC BALANCE LLC](#)

Execution Date: Dec. 19, 2018

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Assignee

Name: [BANK OF AMERICA, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 900 W TRADE STREET
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: KATARZYNA GAYSUNAS

Correspondent Address: 1 FEDERAL STREET
C/O MORGAN, LEWIS & BOCKIUS LLP
BOSTON, MA 02110

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: [91245204](#)

Filing Date: Dec 10, 2018

Status: Terminated

Status Date: Dec 20, 2018

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Gold Coast Traditions LLC

Correspondent Address: JENNIFER MELLARD
GOLD COAST TRADITIONS LLC
6786 PECUE LANE SUITE C
BATON ROUGE LA , 70817
UNITED STATES

Correspondent e-mail: info@goldcoasttraditions.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUEATS	Abandoned - After Inter-Partes Decision	87851493	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com , kris.haley@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 10, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 10, 2018	Jan 19, 2019
3	PENDING, INSTITUTED	Dec 10, 2018	
4	W/DRAW OF APPLICATION	Dec 18, 2018	
5	BD DECISION: OPP DISMISSED W/O PREJ	Dec 20, 2018	
6	TERMINATED	Dec 20, 2018	

Type of Proceeding: Opposition

Proceeding Number: [91220760](#)

Filing Date: Feb 20, 2015

Status: Terminated

Status Date: May 26, 2015

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: TruFood Mfg., Inc.

Correspondent Address: NEAL P PIEROTTI
METZ LEWIS BRODMAN MUST O'KEEFE
535 SMITHFIELD ST, SUITE 800
PITTSBURGH PA , 15222-2305
UNITED STATES

Correspondent e-mail: ipdocket@metzlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUFOOD	Abandoned - After Inter-Partes Decision	86065240	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD , SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181
JUBY TRUE	Cancellation Terminated - See TTAB Records	86026284	4497563

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 20, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 24, 2015	Apr 05, 2015
3	PENDING, INSTITUTED	Feb 24, 2015	
4	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 02, 2015	
5	SUSPENDED	Apr 02, 2015	
6	D MOT FOR EXT W/ CONSENT	May 04, 2015	

7	EXTENSION OF TIME GRANTED	May 07, 2015
8	ANSWER	May 12, 2015
9	W/DRAW OF APPLICATION	May 20, 2015
10	W/DRAW OF OPPOSITION	May 20, 2015
11	BD DECISION: DISMISSED W/O PREJ	May 26, 2015
12	TERMINATED	May 26, 2015

Type of Proceeding: Opposition

Proceeding Number: [91219889](#)

Filing Date: Dec 22, 2014

Status: Terminated

Status Date: Jan 06, 2015

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Founding Farmers, LLC

Correspondent Address: ERIC J VON VORYS
SHULMAN ROGERS GANDAL PORDY & ECKER PA
12505 PARK POTOMAC AVENUE, SIXTH FLOOR
POTOMAC MD , 20854
UNITED STATES

Correspondent e-mail: evonvorys@shulmanrogers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FF FOUNDING FARMERS TRUE FOOD & DRINK	Abandoned - After Inter-Partes Decision	86138228	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D 102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 22, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2014	Jan 31, 2015
3	PENDING, INSTITUTED	Dec 22, 2014	
4	W/DRAW OF APPLICATION W/O CONSENT	Jan 02, 2015	
5	BD DECISION: SUSTAINED	Jan 06, 2015	
6	TERMINATED	Jan 06, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91208321](#)

Filing Date: Dec 05, 2012

Status: Terminated

Status Date: Mar 06, 2013

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: TMCO LLC

Correspondent TMCO LLC
Address: 148 REMINGTON ST
FORT COLLINS CO , 80524
UNITED STATES

Correspondent e-mail: dwolter@migcap.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRUE FOODS	Abandoned - After Inter-Partes Decision	85596730	
Plaintiff(s)			

Name: FRC Balance LLC

Correspondent GLENN S BACAL
Address: BACAL LAW GROUP PC
6991 EAST CAMELBACK RD, SUITE D 102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 05, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 05, 2012	Jan 14, 2013
3	PENDING, INSTITUTED	Dec 05, 2012	
4	P'S MOTION FOR DEFAULT JUDGEMENT	Jan 22, 2013	
5	BD DECISION: SUSTAINED	Mar 06, 2013	
6	TERMINATED	Mar 06, 2013	

United States of America

United States Patent and Trademark Office



Reg. No. 3,688,743 FRC BALANCE LLC (DELAWARE LIMITED LIABILITY COMPANY)
Registered Sep. 29, 2009 7135 EAST CAMELBACK ROAD, #260
SCOTTSDALE, AZ 85251

Int. Cl.: 43 FOR: FULL SERVICE, SIT-DOWN RESTAURANT AND BAR SERVICES FEATURING ORGANIC, HEALTHFUL, NON-ARTIFICIAL AND NUTRITIOUS FOODS, IN CLASS 43 (U.S. CLS. 100 AND 101).

SERVICE MARK
PRINCIPAL REGISTER FIRST USE 10-27-2008; IN COMMERCE 10-27-2008.

OWNER OF U.S. REG. NO. 3,620,741.

THE COLOR(S) GREEN AND YELLOW IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FOOD KITCHEN", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "TRUE FOOD" IN GREEN ABOVE YELLOW STALKS OF GRAIN AND THE WORD "KITCHEN" IN GREEN.

SER. NO. 77-679,039, FILED 2-26-2009.

BRIDGETT SMITH, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

Generated on: This page was generated by TSDR on 2019-03-18 16:14:50 EDT

Mark: TRUE FOOD KITCHEN



US Serial Number: 77679039

Application Filing Date: Feb. 26, 2009

US Registration Number: 3688743

Registration Date: Sep. 29, 2009

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Oct. 13, 2018

Publication Date: Jul. 14, 2009

Mark Information

Mark Literal Elements: TRUE FOOD KITCHEN

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the words "TRUE FOOD" in green above yellow stalks of grain and the word "KITCHEN" in green.

Color Drawing: Yes

Color(s) Claimed: The color(s) green and yellow is/are claimed as a feature of the mark.

Disclaimer: "FOOD KITCHEN"

Design Search Code(s): 05.07.02 - Bundles, grain; Stalks (grain); Haystacks

Related Properties Information

International Registration Number: 1137677

International Application(s) /Registration(s) Based on this Property: A0032067/1137677

Claimed Ownership of US Registrations: 3620741

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Full service, sit-down restaurant and bar services featuring organic, healthful, non-artificial and nutritious foods

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 27, 2008

Use in Commerce: Oct. 27, 2008

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: FRC BALANCE LLC

Owner Address: 4455 East Camelback Road, Suite A115
Phoenix, ARIZONA UNITED STATES 85018

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Glenn Spencer Bacal

Docket Number: 60003-1001

Attorney Primary Email Address: glenn.bacal@bacalgroup.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Glenn Spencer Bacal
Bacal Law Group PC
6991 East Camelback Road, Suite D-102
Scottsdale, ARIZONA UNITED STATES 85251

Phone: 480.245.6233

Correspondent e-mail: glenn.bacal@bacalgroup.com jamie.tuccio@bacalgroup.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 13, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 13, 2018	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Oct. 13, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Oct. 13, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Oct. 04, 2018	TEAS SECTION 8 & 9 RECEIVED	
Sep. 29, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Dec. 13, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Dec. 13, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70132
Dec. 13, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132
Nov. 24, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 23, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 23, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 23, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 23, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 14, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Sep. 29, 2009	REGISTERED-PRINCIPAL REGISTER	
Aug. 26, 2009	CHANGES/CORRECTIONS AFTER PUB APPROVAL ENTERED	67832
Aug. 24, 2009	ASSIGNED TO PETITION STAFF	67832
Aug. 03, 2009	TEAS POST PUBLICATION AMENDMENT RECEIVED	
Jul. 14, 2009	PUBLISHED FOR OPPOSITION	
Jul. 08, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 24, 2009	NOTICE OF PUBLICATION	
Jun. 09, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jun. 09, 2009	ASSIGNED TO LIE	70633
Jun. 08, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 28, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 28, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 28, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 27, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 27, 2009	NON-FINAL ACTION E-MAILED	6325
May 27, 2009	NON-FINAL ACTION WRITTEN	76582
May 19, 2009	ASSIGNED TO EXAMINER	76582
Mar. 04, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Mar. 03, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 02, 2009	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 29, 2019

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Oct. 13, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 8

Applicant: Fox Restaurant Concepts LLC

Assignment 1 of 8

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4016/0598](#)

Pages: 5

Date Recorded: Jul. 02, 2009

Supporting Documents: [assignment-tm-4016-0598.pdf](#)

Assignor

Name: [FOX RESTAURANT CONCEPTS LLC](#)

Execution Date: Jul. 02, 2009

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Assignee

Name: [FRC BALANCE LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 7135 EAST CAMELBACK ROAD, #260
SCOTTSDALE, ARIZONA 85251

Correspondent

Correspondent: GLENN S. BACAL

Name:

Correspondent 16427 NORTH SCOTTSDALE RD., SUITE 300
Address: SCOTTSDALE, AZ 85254-1597

Domestic Representative - Not Found

Assignment 2 of 8

Conveyance: MERGER EFFECTIVE 12/15/2010

Reel/Frame: [4461/0700](#)

Pages: 5

Date Recorded: Jan. 27, 2011

Supporting Documents: [assignment-tm-4461-0700.pdf](#)

Assignor

Name: [FRC BALANCE LLC](#)

Execution Date: Dec. 15, 2010

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [FRC MERGERCO 35 LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Address: 7135 EAST CAMELBACK ROAD, SUITE 260
SCOTTSDALE, ARIZONA 85251

Correspondent

Correspondent Name: GLENN S. BACAL C/O BACAL LAW GROUP, P.C.

Correspondent Address: 6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE, AZ 85251

Domestic Representative - Not Found

Assignment 3 of 8

Conveyance: CHANGE OF NAME

Reel/Frame: [4461/0721](#)

Pages: 3

Date Recorded: Jan. 27, 2011

Supporting Documents: [assignment-tm-4461-0721.pdf](#)

Assignor

Name: [FRC MERGERCO 35 LLC](#)

Execution Date: Dec. 28, 2010

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Assignee

Name: [FRC BALANCE LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Address: 7135 EAST CAMELBACK ROAD, SUITE 260
SCOTTSDALE, ARIZONA 85251

Correspondent

Correspondent Name: GLENN S. BACAL C/O BACAL LAW GROUP, P.C.

Correspondent Address: 6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE, AZ 85251

Domestic Representative - Not Found

Assignment 4 of 8

Conveyance: SECURITY AGREEMENT

Reel/Frame: [5685/0441](#)

Pages: 7

Date Recorded: Dec. 08, 2015

Supporting Documents: [assignment-tm-5685-0441.pdf](#)

Assignor

Name: [FRC BALANCE, LLC](#)

Execution Date: Dec. 07, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Assignee

Name: [WOK MEMBER LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Address: 7676 EAST PINNACLE ROAD
SCOTTSDALE, ARIZONA 85255

Correspondent

Correspondent Name: TREVOR HARRIS

Correspondent Address: 208 SOUTH LASALLE -SUITE 814
CHICAGO, IL 60604

Domestic Representative - Not Found

Assignment 5 of 8

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5811/0903](#)

Pages: 4

Date Recorded: Jun. 13, 2016

Supporting Documents: [assignment-tm-5811-0903.pdf](#)

Assignor

Name: [WOK MEMBER LLC](#)

Execution Date: May 09, 2016

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Assignee

Name: [FRC BALANCE, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country ARIZONA
Where Organized:

Address: 4455 EAST CAMELBACK ROAD
SUITE B100
PHOENIX, ARIZONA 85018

Correspondent

Correspondent Name: MARC CURRIE, SNELL & WILMER L.L.P.

Correspondent Address: 400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX, AZ 85004-2202

Domestic Representative - Not Found

Assignment 6 of 8

Conveyance: SECURITY INTEREST

Reel/Frame: [6189/0040](#)

Pages: 7

Date Recorded: Oct. 24, 2017

Supporting Documents: [assignment-tm-6189-0040.pdf](#)

Assignor

Name: [FRC BALANCE LLC](#)

Execution Date: Oct. 13, 2017

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country ARIZONA
Where Organized:

Assignee

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country UNITED STATES
Where Organized:

Address: 1808 ASTON AVENUE, SUITE 250
CARLSBAD, CALIFORNIA 92008

Correspondent

Correspondent Name: KATARZYNA GAYSUNAS

Correspondent Address: 1 FEDERAL STREET
C/O MORGAN LEWIS BOCKIUS LLP
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 7 of 8

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [6504/0221](#)

Pages: 5

Date Recorded: Dec. 20, 2018

Supporting Documents: [assignment-tm-6504-0221.pdf](#)

Assignor

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)

Execution Date: Dec. 19, 2018

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Assignee

Name: [FRC BALANCE LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Address: 4455 E. CAMELBACK RD. A115
PHOENIX, ARIZONA 85018

Correspondent

Correspondent Name: KATARZYNA GAYSUNAS

Correspondent Address: 1 FEDERAL STREET
C/O MORGAN, LEWIS & BOCKIUS LLP
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 8 of 8

Conveyance: SECURITY INTEREST

Reel/Frame: [6557/0920](#)

Pages: 7

Date Recorded: Dec. 19, 2018

Supporting Documents: [assignment-tm-6557-0920.pdf](#)

Assignor

Name: [FRC BALANCE LLC](#)

Execution Date: Dec. 19, 2018

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: ARIZONA

Assignee

Name: [BANK OF AMERICA, N.A., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 900 W TRADE STREET
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: KATARZYNA GAYSUNAS

Correspondent Address: 1 FEDERAL STREET
C/O MORGAN, LEWIS & BOCKIUS LLP
BOSTON, MA 02110

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 9

Type of Proceeding: Opposition**Proceeding Number:** [91245204](#)**Filing Date:** Dec 10, 2018**Status:** Terminated**Status Date:** Dec 20, 2018**Interlocutory Attorney:** KATIE W MCKNIGHT**Defendant****Name:** Gold Coast Traditions LLC**Correspondent Address:** JENNIFER MELLARD
GOLD COAST TRADITIONS LLC
6786 PECUE LANE SUITE C
BATON ROUGE LA UNITED STATES , 70817**Correspondent e-mail:** info@goldcoasttraditions.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRUEATS	Abandoned - After Inter-Partes Decision	87851493	

Plaintiff(s)**Name:** FRC Balance LLC**Correspondent Address:** GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ UNITED STATES , 85251**Correspondent e-mail:** glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com , kris.haley@bacalgroup.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 10, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 10, 2018	Jan 19, 2019
3	PENDING, INSTITUTED	Dec 10, 2018	
4	W/DRAW OF APPLICATION	Dec 18, 2018	
5	BD DECISION: OPP DISMISSED W/O PREJ	Dec 20, 2018	
6	TERMINATED	Dec 20, 2018	

Type of Proceeding: Opposition**Proceeding Number:** [91238625](#)**Filing Date:** Dec 27, 2017**Status:** Terminated**Status Date:** Sep 29, 2018**Interlocutory Attorney:** ELIZABETH WINTER**Defendant****Name:** True North Salmon Co. Ltd.**Correspondent Address:** JONATHAN B. HUNTINGTON
Eaton Peabody P A
77 SEWALL ST STE 3000
AUGUSTA ME UNITED STATES , 04330**Correspondent e-mail:** jhunington@eatonpeabody.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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EAT TRUE

Registered

[86596636](#)[5598260](#)**Plaintiff(s)****Name:** FRC Balance LLC**Correspondent** Glenn S. Bacal**Address:** Bacal Law Group, P.C.
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ UNITED STATES , 85251**Correspondent e-mail:** glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 27, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 27, 2017	Feb 05, 2018
3	PENDING, INSTITUTED	Dec 27, 2017	
4	ANSWER	Feb 01, 2018	
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 31, 2018	
6	SUSPENDED	Jul 31, 2018	
7	W/DRAW OF OPPOSITION	Sep 17, 2018	
8	BD DECISION: OPP DISMISSED W/O PREJ	Sep 29, 2018	
9	TERMINATED	Sep 29, 2018	

Type of Proceeding: Opposition**Proceeding Number:** [91230377](#)**Filing Date:** Sep 29, 2016**Status:** Terminated**Status Date:** Jan 30, 2017**Interlocutory Attorney:** ANN LINNEHAN VOGLER**Defendant****Name:** ForTrueFoodiesOnly Inc.**Correspondent** ADAM SACHAROFF**Address:** MUCH SHEIST PC
191 N WACKER DRIVE, SUITE 1800
CHICAGO IL UNITED STATES , 60606**Correspondent e-mail:** ipdocket@muchshelist.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FOR TRUE FOODIES ONLY	Abandoned - After Inter-Partes Decision	86656271	

Plaintiff(s)**Name:** FRC Balance LLC**Correspondent** GLENN S BACAL**Address:** BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ UNITED STATES , 85251**Correspondent e-mail:** glenn.bacal@bacalgroup.com jamie.tuccio@bacalgroup.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 29, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2016	Nov 08, 2016
3	PENDING, INSTITUTED	Sep 29, 2016	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 18, 2016	
5	SUSPENDED	Nov 18, 2016	
6	W/DRAW OF APPLICATION	Jan 29, 2017	
7	BD DECISION: SUSTAINED	Jan 30, 2017	
8	TERMINATED	Jan 30, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91230379](#)

Filing Date: Sep 29, 2016

Status: Terminated

Status Date: Jan 30, 2017

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: For TrueFoodiesOnly Inc.

Correspondent Address: ADAM K SACHAROFF
MUCH SHELIST PC
191 N WACKER DRIVE, SUITE 1800
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: ipdocket@muchshelist.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOODIES	Abandoned - After Inter-Partes Decision	86656567	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ UNITED STATES , 85251

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 29, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2016	Nov 08, 2016
3	PENDING, INSTITUTED	Sep 29, 2016	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 18, 2016	
5	SUSPENDED	Nov 18, 2016	
6	W/DRAW OF APPLICATION	Jan 29, 2017	
7	BD DECISION: SUSTAINED	Jan 30, 2017	
8	TERMINATED	Jan 30, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91229746](#)

Filing Date: Dec 02, 2016

Status: Terminated

Status Date: Feb 11, 2017

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: Beverage Innovations Group, LLC

Correspondent Address: ANDREW C AITKEN
IP LAW LEADERS PLLC
1701 PENNSYLVANIA AVE NW, STE 300
WASHINGTON DC UNITED STATES , 20006-5813

Correspondent e-mail: acaitken@iplfirm.com , rjho@iplfirm.com , acaitken@yahoo.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRU FUEL.REAL.GOOD.	Abandoned - No Statement Of Use Filed	86736590	
Plaintiff(s)			

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ UNITED STATES , 85251

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 26, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2016	Oct 05, 2016
3	PENDING, INSTITUTED	Aug 26, 2016	
4	ANSWER	Oct 05, 2016	
5	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Dec 02, 2016	
6	SUSPENDED	Dec 07, 2016	
7	W/DRAW OF OPPOSITION	Feb 07, 2017	
8	BD DECISION: DISMISSED W/O PREJ	Feb 11, 2017	
9	TERMINATED	Feb 11, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91229749](#) **Filing Date:** Aug 26, 2016
Status: Terminated **Status Date:** Nov 14, 2016
Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Sundia Corporation

Correspondent Address: THOMAS D FOSTER
TDFOSTER INTELLECTUAL PROPERTY LAW
11622 EL CAMINO REAL STE 100
SAN DIEGO CA UNITED STATES , 92130-2051

Correspondent e-mail: fofoster@tdfofoster.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRUE CHIA	Registered	86376213	5191612
Plaintiff(s)			

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
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SCOTTSDALE AZ UNITED STATES , 85251

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
JUBY TRUE	Cancellation Terminated - See TTAB Records	86026284	4497563

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 26, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2016	Oct 05, 2016
3	PENDING, INSTITUTED	Aug 26, 2016	
4	STIP FOR EXT	Oct 05, 2016	
5	EXTENSION OF TIME GRANTED	Oct 05, 2016	
6	W/DRAW OF OPPOSITION	Nov 09, 2016	
7	BD DECISION: DISMISSED W/O PREJ	Nov 14, 2016	
8	TERMINATED	Nov 14, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91220760](#)

Filing Date: Feb 20, 2015

Status: Terminated

Status Date: May 26, 2015

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: TruFood Mfg., Inc.

Correspondent Address: NEAL P PIEROTTI
METZ LEWIS BRODMAN MUST O'KEEFE
535 SMITHFIELD ST, SUITE 800
PITTSBURGH PA UNITED STATES , 15222-2305

Correspondent e-mail: ipdocket@metzlewis.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRUFOOD	Abandoned - After Inter-Partes Decision	86065240	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD , SUITE D-102
SCOTTSDALE AZ UNITED STATES , 85251

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181
JUBY TRUE	Cancellation Terminated - See TTAB Records	86026284	4497563

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 20, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 24, 2015	Apr 05, 2015

3	PENDING, INSTITUTED	Feb 24, 2015
4	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 02, 2015
5	SUSPENDED	Apr 02, 2015
6	D MOT FOR EXT W/ CONSENT	May 04, 2015
7	EXTENSION OF TIME GRANTED	May 07, 2015
8	ANSWER	May 12, 2015
9	W/DRAW OF APPLICATION	May 20, 2015
10	W/DRAW OF OPPOSITION	May 20, 2015
11	BD DECISION: DISMISSED W/O PREJ	May 26, 2015
12	TERMINATED	May 26, 2015

Type of Proceeding: Opposition

Proceeding Number: [91219889](#)

Filing Date: Dec 22, 2014

Status: Terminated

Status Date: Jan 06, 2015

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Founding Farmers, LLC

Correspondent Address: ERIC J VON VORYS
SHULMAN ROGERS GANDAL PORDY & ECKER PA
12505 PARK POTOMAC AVENUE, SIXTH FLOOR
POTOMAC MD UNITED STATES , 20854

Correspondent e-mail: evonvorys@shulmanrogers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FF FOUNDING FARMERS TRUE FOOD & DRINK	Abandoned - After Inter-Partes Decision	86138228	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP PC
6991 EAST CAMELBACK ROAD, SUITE D 102
SCOTTSDALE AZ UNITED STATES , 85251

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 22, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2014	Jan 31, 2015
3	PENDING, INSTITUTED	Dec 22, 2014	
4	W/DRAW OF APPLICATION W/O CONSENT	Jan 02, 2015	
5	BD DECISION: SUSTAINED	Jan 06, 2015	
6	TERMINATED	Jan 06, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91208321](#)

Filing Date: Dec 05, 2012

Status: Terminated

Status Date: Mar 06, 2013

Interlocutory YONG OH (RICHARD) KIM

Attorney:

Defendant

Name: TMCO LLC

Correspondent TMCO LLC
Address: 148 REMINGTON ST
FORT COLLINS CO UNITED STATES , 80524

Correspondent e-mail: dwolter@migcap.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOODS	Abandoned - After Inter-Partes Decision	85596730	

Plaintiff(s)

Name: FRC Balance LLC

Correspondent GLENN S BACAL
Address: BACAL LAW GROUP PC
6991 EAST CAMELBACK RD, SUITE D 102
SCOTTSDALE AZ UNITED STATES , 85251

Correspondent e-mail: glenn.bacal@bacalgroup.com, jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUE FOOD	REGISTERED AND RENEWED	77501250	3620741
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85290527	4049211
TRUE FOOD KITCHEN	Section 8 and 15 - Accepted and Acknowledged	85291955	4052881
TRUE FOOD KITCHEN	REGISTERED AND RENEWED	77679039	3688743
TRUE FOOD KITCHEN GLOBALLY INSPIRED CUISINE	Cancelled - Section 8	85120928	3961181

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 05, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 05, 2012	Jan 14, 2013
3	PENDING, INSTITUTED	Dec 05, 2012	
4	P'S MOTION FOR DEFAULT JUDGEMENT	Jan 22, 2013	
5	BD DECISION: SUSTAINED	Mar 06, 2013	
6	TERMINATED	Mar 06, 2013	