

ESTTA Tracking number: **ESTTA1020408**

Filing date: **12/05/2019**

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	Heineken Asia Pacific Pte. Ltd.,		
Entity	Corporation	Citizenship	Singapore
Address	459 Jalan Ahmad Ibrahim Singapore, 639934 SINGAPORE		

Attorney information	Brent E. Routman Merchant & Gould, P.C. 150 South 5th Street, Suite 2200 Minneapolis, MN 55402 UNITED STATES broutman@merchantgould.com, dockmpls@merchantgould.com, aendris@merchantgould.com 6123364619		
----------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

Registration Subject to Cancellation

Registration No.	4087320	Registration date	01/17/2012
Registrant	Rice Investments, LP 900 High Street Hanover, PA 17331 UNITED STATES		

Goods/Services Subject to Cancellation

Class 029. First Use: 1989/08/00 First Use In Commerce: 1989/08/00 All goods and services in the class are subject to cancellation, namely: potato chips

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
-------------	-----------------------------

Attachments	Petition to Cancel TIGER TATORS 4087320.pdf(169673 bytes)
-------------	------------------------------------------------------------

Signature	/ber/
Name	Brent E. Routman
Date	12/05/2019

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

Heineken Asia Pacific Pte. Ltd.,)	
)	
Plaintiff,)	Cancellation No. _____
)	
vs.)	Mark: TIGER TATORS
)	
Rice Investments, LP)	
General Partner Utz Quality Foods, Inc.)	
)	Reg. No. 4,087,320
Registrant.)	Registration Date: January 17, 2012

PETITION TO CANCEL

Heineken Asia Pacific Pte. Ltd., ("Plaintiff") believes that it will be damaged by the continued registration of the mark shown in Registration No. 4,087,320, and hereby petitions to cancel the same. As grounds for cancellation, Plaintiff alleges as follows:

1. Plaintiff, Heineken Asia Pacific Pte. Ltd. is a company incorporated in Singapore with an address of 459 Jalan Ahmad Ibrahim, Singapore 639934.
2. Upon information and belief, Applicant, Rice Investments, LP General Partner Utz Quality Foods, Inc., is a Limited Partnership organized in the State of Delaware, with an address of 900 High Street, Hanover, Pennsylvania 17331.
3. On May 27, 2011, Rice Investments, L.P.. (Composed of Its General Partner Utz Quality Foods, Inc., a Pennsylvania Corporation) filed Serial No. 85/332,742 to register the mark TIGER TATORS for "potato chips" in International Class 29.
4. On January 17, 2012, Serial No. 85/332,742 matured into Registration No. 4,087,320 (the "Registration to be Cancelled").

5. On September 16, 2016, Rice Investments, L.P., (composed of its general partner Utz Quality Foods, Inc., a Pennsylvania Corporation) executed a Change of Name to Rice Investments, L.P., (composed of its general partner Utz Quality Foods, Inc., a Delaware limited liability company).
6. On February 3, 2017, Registrant filed a Combined Declaration of Use and Incontestability under Sections 8 & 15 for Registration No. 4087320.
7. On July 3, 2019, Petitioner filed an application for registration for the mark TIGER STREET FOOD and Design bearing Application Serial No. 88/499,917 for “Potato chips; potato products in the form of snack foods; prepared snacks made principally from cooked fruit, cooked vegetables, dried fruit, dried vegetables, fresh fruit, fresh vegetables or nuts; vegetable-based snack foods; processed fruits, nuts, meat, seafood, seafood products, potatoes and vegetables; seafood products; snack foods made principally from meat.”
8. On September 24, 2019, the USPTO issued an office action against the Petitioner's pending application claiming that the Petitioner's mark, when used in connection with the identified goods/services, so resembles Registrant's mark as to be likely to cause confusion, to cause mistake, or to deceive.
9. Based upon information and belief, Petitioner believes that Registrant has abandoned the mark "TIGER TATORS" and, as a result, the registration is subject to cancellation per 15 U.S.C. § 1064(3).
10. Petitioner is likely to be damaged by Registrant's registration of "TIGER TATORS," because Petitioner will likely be denied registration for its viable trademark, "TIGER STREET FOODS and Design," even though Registrant has abandoned its mark.

