

ESTTA Tracking number: **ESTTA1118394**

Filing date: **03/04/2021**

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	Taki Kastanis		
Entity	Individual	Citizenship	UNITED STATES
Address	1120 S. MICHIGAN AVE CHICAGO, IL 60605 UNITED STATES		
Attorney information	MICHELE S. KATZ ADVITAM IP, LLC 150 S. WACKER DRIVE SUITE 2400 CHICAGO, IL 60606 UNITED STATES Primary Email: mskdocket@advitamip.com Secondary Email(s): atokarz@advitamip.com 312-332-7710		
Docket Number	841-15399		

Registration Subject to Cancellation

Registration No.	5782556	Registration date	06/18/2019
Registrant	Pur & Simple Restaurants Inc. 2035 COTE-DE-LIESSE, SUITE 207 QUEBEC CITY, H4N2M5 CANADA		

Goods/Services Subject to Cancellation

Class 035. First Use: 2018/07/01 First Use In Commerce: 2018/07/01 All goods and services in the class are subject to cancellation, namely: Restaurant franchising, namely, offering business management assistance in the establishment and/or operation of restaurants
Class 043. First Use: 2019/02/01 First Use In Commerce: 2019/02/01 All goods and services in the class are subject to cancellation, namely: Restaurant services

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Abandonment	Trademark Act Section 14(3)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	6236201	Application Date	01/15/2019
Registration Date	01/05/2021	Foreign Priority Date	NONE
Word Mark	YOLK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2006/11/01 First Use In Commerce: 2006/11/01 Cafe-restaurants; Carry-out restaurants; Restaurant services; Restaurants; Take-out restaurant services		

U.S. Registration No.	6274943	Application Date	01/15/2019
Registration Date	02/23/2021	Foreign Priority Date	NONE
Word Mark	YOLK		
Design Mark			
Description of Mark	The mark consists of the word "YOLK", an outline of the egg white (as it would appear when frying an egg), the yolk of the egg being the letter "O" in "YOLK", a dot to the right of "YOLK", all within a quadrilateral with shaded lines.		
Goods/Services	Class 043. First use: First Use: 2006/11/01 First Use In Commerce: 2006/11/01 Cafe-restaurants; Carry-out restaurants; Restaurant services; Restaurants; Take-out restaurant services		

Attachments	Petition To Cancel - THE TWISTED YOLK.pdf(98713 bytes)
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Signature	/Michele S. Katz/
Name	Michele S. Katz
Date	03/04/2021

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

In re Registration of:

Registrant : Pur & Simple Restaurants, Inc.
Reg. No. : 5,782,556
Mark : THE TWISTED YOLK
Registration Date : June 18, 2019

TAKI KASTANIS, :
 :
 :
 Petitioner :
 :
 v. : Cancellation No. _____
 :
 :
 PUR & SIMPLE RESTAURANTS, :
 INC., :
 :
 Registrant/Respondent. :

Commissioner for Trademarks
Box TTAB, FEE
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Taki Kastanis, (“Petitioner”) hereby petitions to cancel U.S. Registration No. 5,782,556 for the mark THE TWISTED YOLK on the following grounds:

1. Petitioner is an individual residing at 1120 S. Michigan Ave, Chicago, Illinois 60605.
2. Upon information and belief, Registrant, Pur & Simple Restaurants, Inc. (“Respondent”), is a Canadian corporation with its principal place of business at 2035 Cote-de-Liesse, Suite 207, Quebec City, Canada H4N2M5.
3. According to the records of the USPTO, Respondent owns U.S. Trademark Registration No. 5,782,556 for THE TWISTED YOLK (“Respondent’s Mark”) in International Class 35 for:

“Restaurant franchising, namely, offering business management assistance in the establishment and/or operation of restaurants” and International Class 43 for “restaurant services.”

4. On January 15, 2019, Petitioner filed Application Serial No. 88/263,030 to re-register the mark YOLK (originally Reg. No. 3,347,771) in International Class 43 in connection to the following services: café-restaurants, carry-out restaurants, restaurant services, restaurants, and take-out services, which registered on January 05, 2021 (Reg. No. 6,236,201). The mark was first used in commerce on November 01, 2006.
5. On January 15, 2019, Petitioner filed Application Serial No. 88/263,040 to re-register the mark YOLK (originally Reg. No. 3,347,874) in International Class 43 in connection to the following services: café-restaurants, carry-out restaurants, restaurant services, restaurants, and take-out services, which registered on February 23, 2021 (Reg. No. 6,274,943). The mark was first used in commerce on November 01, 2006.
6. After investigation and upon information and belief, Respondent has ceased use of the THE TWISTED YOLK mark in connection with the services identified in U.S. Registration No. 5,782,556.
7. After investigation and upon information and belief, Respondent has abandoned its THE TWISTED YOLK Registration pursuant to the definition in 15 U.S.C. § 1127 because Respondent has discontinued use of Respondent’s Mark.
8. After investigation and upon information and belief, Petitioner submits that Respondent has no plans to resume use of the THE TWISTED YOLK mark in connection with the services identified in U.S. Registration No. 5,782,556.
9. Petitioner is being damaged by continued registration of the THE TWISTED YOLK mark because said registration is affecting the goodwill of Petitioner’s business used in connection

with the YOLK marks and is likely to confuse and mislead the consuming public and suggests an affiliation with Petitioner, which Respondent does not have.

WHEREFORE, Petitioner requests that Respondent's registration, Registration No. 5,782,556 be cancelled and judgment in the present cancellation action be entered in favor of Petitioner and against Respondent, with prejudice.

Dated: March 4, 2021

Respectfully submitted,

ADVITAM IP

By: /Michele S. Katz/

Michele S. Katz

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Attorney for Petitioner

Taki Kastanis