

Petition to Director

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	97096262
REGISTRATION NUMBER	7083243
PETITION	
PETITION STATEMENT	Registrant is filing this Petition contemporaneously with its Motion for Relief from Final Judgment, requesting reinstatement of Reg. No. 7,083,243 upon the Board's granting of Registrant's Motion. Due to a TSDR malfunction whereby Registrant's appointed domestic representative, attorney of record and correspondent of record were all deleted from the record (although all still evidenced in the documents), Registrant and Registrant's counsel never received any notice of Cancellation No. 92-083,867 and just learned on March 11, 2024 of both the Cancellation and subsequent cancellation of Reg. No. 7,083,243. The TSDR malfunction has been addressed with a Trademark Assistance Center representative and the matter has been escalated to a supervisor for resolution. As of today, the TSDR record has been updated to properly reflect the attorney and correspondent of record, but Registrant's properly appointed domestic representative has still not been re-listed on the record.
MARK SECTION	
MARK	mark
LITERAL ELEMENT	TINY
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION (current)	
NAME	Tastemade, Inc.
MAILING ADDRESS	3019 Olympic Boulevard, Stage C
CITY	Santa Monica
STATE	California
ZIP/POSTAL CODE	90404
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
OWNER SECTION (proposed)	
NAME	Tastemade, Inc.
MAILING ADDRESS	3019 Olympic Boulevard, Stage C
CITY	Santa Monica
STATE	California

ZIP/POSTAL CODE	90404
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
LEGAL ENTITY SECTION (current)	
TYPE	corporation
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	Delaware
LEGAL ENTITY SECTION (proposed)	
TYPE	corporation
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	Delaware
EXPLANATION OF FILING	
<p>Registrant, Tastemade, Inc., has contemporaneously filed a Motion For Relief From Final Judgement in Cancellation No. 92-083,867 based on a TSDR malfunction that improperly removed Registrant's appointed domestic representative, correspondent of record and attorney of record from the TSDR system (with the TSDR documents tab reflecting that this removal was, in fact, a malfunction). As a result of this malfunction, neither Registrant nor Registrant's counsel were aware of the Cancellation until March 11, 2024 and service of all documents relating thereto was not properly affected (and was not completed). If Registrant's Motion is granted, Registrant requests reinstatement of Reg. No. 7,083,243 pending the outcome of the Cancellation. Per TBMP ?544, "if, in a cancellation proceeding, a petition to the Director is filed concurrently with a [FRCP] 60(b) motion to the Board for relief from judgment, and the petition and motion seek the same relief and require review of the same set of facts, the Board will rule first upon the motion for relief from judgment. If the Board grants the motion, the Director, as a ministerial act, will reinstate the subject registration." Here, Registrant's reason for requesting relief from the Board and reinstatement of its registration from the Director involve the same relief and require review of the same set of facts. Additionally, if the discrepancy is not already addressed by the time the Board acts on Registrant's Motion, Registrant also requests that TSDR be updated to reflect its properly appointed domestic representative (see TSDR Record for Reg. No. 7,083,243, TEAS Plus Application). As of today, the Trademark Assistance Center has already been able to helpfully resolve the TSDR malfunction in part and has properly re-listed Registrant's attorney and correspondent of record.</p>	
CORRESPONDENCE INFORMATION	
NAME	MARTIN R. GREENSTEIN
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	PTOMail@TechMark.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	MRG@TechMark.com; AMR@TechMark.com
PAYMENT SECTION	
PETITION TO DIRECTOR FEE	250
NUMBER OF CLASSES	1
TOTAL FEES DUE	250
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Angelique M. Riordan/
SIGNATORY'S NAME	Angelique M. Riordan
SIGNATORY'S POSITION	Attorney of Record, CA Bar member
SIGNATORY'S PHONE NUMBER	408-266-4700
DATE SIGNED	03/14/2024
SIGNATURE METHOD	Signed directly within the form
PETITION SIGNATURE	/Angelique M. Riordan/
SIGNATORY'S NAME	Angelique M. Riordan
SIGNATORY'S POSITION	Attorney of record, CA Bar member
SIGNATORY'S PHONE NUMBER	

SIGNATORY'S PHONE NUMBER	408-266-4700
DATE SIGNED	03/14/2024
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Signed directly within the form
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Mar 14 20:10:23 ET 2024
TEAS STAMP	USPTO/PGP-XXX.XXX.XXX.XXX -20240314201024784986-970 96262-8607cb35cd6c7d6779c f4994d3476b05fdf1c2c7c523 19375675f155144051a3dd-CC -10235537-202403141946013 80783

PTO-2301
Approved for use through 03/31/2024. OMB 0651-0054
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Petition to Director

To the Commissioner for Trademarks:

Application serial no. **97096262** TINY(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/97096262/large>) has been amended as follows:

PETITION

Petition Statement

Registrant is filing this Petition contemporaneously with its Motion for Relief from Final Judgment, requesting reinstatement of Reg. No. 7,083,243 upon the Board's granting of Registrant's Motion. Due to a TSDR malfunction whereby Registrant's appointed domestic representative, attorney of record and correspondent of record were all deleted from the record (although all still evidenced in the documents), Registrant and Registrant's counsel never received any notice of Cancellation No. 92-083,867 and just learned on March 11, 2024 of both the Cancellation and subsequent cancellation of Reg. No. 7,083,243. The TSDR malfunction has been addressed with a Trademark Assistance Center representative and the matter has been escalated to a supervisor for resolution. As of today, the TSDR record has been updated to properly reflect the attorney and correspondent of record, but Registrant's properly appointed domestic representative has still not been re-listed on the record.

EXPLANATION OF FILING

Registrant, Tastemade, Inc., has contemporaneously filed a Motion For Relief From Final Judgement in Cancellation No. 92-083,867 based on a TSDR malfunction that improperly removed Registrant's appointed domestic representative, correspondent of record and attorney of record from the TSDR system (with the TSDR documents tab reflecting that this removal was, in fact, a malfunction). As a result of this malfunction, neither Registrant nor Registrant's counsel were aware of the Cancellation until March 11, 2024 and service of all documents relating thereto was not properly affected (and was not completed). If Registrant's Motion is granted, Registrant requests reinstatement of Reg. No. 7,083,243 pending the outcome of the Cancellation. Per TBMP 7544, "if, in a cancellation proceeding, a petition to the Director is filed concurrently with a [FRCP] 60(b) motion to the Board for relief from judgment, and the petition and motion seek the same relief and require review of the same set of facts, the Board will rule first upon the motion for relief from judgment. If the Board grants the motion, the Director, as a ministerial act, will reinstate the subject registration." Here, Registrant's reason for requesting relief from the Board and reinstatement of its registration from the Director involve the same relief and require review of the same set of facts. Additionally, if the discrepancy is not already addressed by the time the Board acts on Registrant's Motion, Registrant also requests that TSDR be updated to reflect its properly appointed domestic representative (see TSDR Record for Reg. No. 7,083,243, TEAS Plus Application). As of today, the Trademark Assistance Center has already been able to helpfully resolve the TSDR malfunction in part and has properly re-listed Registrant's attorney and correspondent of record.

OWNER AND/OR ENTITY INFORMATION

The owner proposes to amend the following:

Current: Tastemade, Inc., a corporation of Delaware, having an address of
3019 Olympic Boulevard, Stage C

Santa Monica, California 90404
United States
Email Address: XXXX

Proposed:Tastemade, Inc., a corporation of Delaware, having an address of

3019 Olympic Boulevard, Stage C
Santa Monica, California 90404
United States
Email Address: XXXX

Correspondence Information

MARTIN R. GREENSTEIN
PRIMARY EMAIL FOR CORRESPONDENCE: PTOMail@TechMark.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): MRG@TechMark.com; AMR@TechMark.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

FEE(S)

Fee(s) in the amount of \$250 is being submitted.

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; *for a collective trademark, collective service mark, collective membership mark application, or certification mark application*, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; *for a certification mark application*, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: *for a trademark or service mark application*, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; *for a collective trademark, collective service mark, collective membership mark, or certification mark application*, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; *for a certification mark application*, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the**

goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.

Signature: /Angelique M. Riordan/ Date: 03/14/2024
Signatory's Name: Angelique M. Riordan
Signatory's Position: Attorney of Record, CA Bar member
Signatory's Phone Number: 408-266-4700

Signature method: Signed directly within the form

Signature: /Angelique M. Riordan/ Date: 03/14/2024
Signatory's Name: Angelique M. Riordan
Signatory's Position: Attorney of record, CA Bar member

Signatory's Phone Number: 408-266-4700 Signature method: Signed directly within the form

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the petitioner's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S.-licensed attorney not currently associated with his/her company/firm previously represented the petitioner in this matter: the petitioner has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal; the petitioner has filed a power of attorney appointing him/her in this matter; or the petitioner's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: MARTIN R. GREENSTEIN
TECHMARK A LAW CORPORATION

4820 HARWOOD ROAD, SUITE 110
SAN JOSE, California 95124

Mailing Address: MARTIN R. GREENSTEIN
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PAYMENT: 97096262
PAYMENT DATE: 03/14/2024

Serial Number: 97096262
Internet Transmission Date: Thu Mar 14 20:10:23 ET 2024
TEAS Stamp: USPTO/PGP-XXX.XXX.XXX.XXX-20240314201024
784986-97096262-8607cb35cd6c7d6779cf4994
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