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Filing date: **05/04/2020**

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	OFD Foods, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	770 SW 29th Avenue Albany, OR 97321 UNITED STATES		

Attorney information	Ernest G. Bootsma Buchalter, a Professional Corporation 1331 NW Lovejoy Street, Suite 900 Portland, OR 97209 UNITED STATES ebootsma@buchalter.com, fbhatti@buchalter.com, mstoecklin@buchalter.com, ipdocket@buchalter.com 503-226-8634		
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Registration Subject to Cancellation

Registration No.	5187523	Registration date	04/18/2017
Registrant	Goat Function, LLC 1827 Pearl Street, Suite 2 Boulder, CO 80302 UNITED STATES		

Goods/Services Subject to Cancellation


<p>Class 029. First Use: 2016/10/00 First Use In Commerce: 2016/10/00 All goods and services in the class are subject to cancellation, namely: Freeze dried, dehydrated, or vacuum-packaged fruits; freeze dried, dehydrated, or vacuum-packed vegetables; freeze dried, dehydrated, or vacuum-packed eggs; freeze dried, dehydrated, or vacuum-packed vegetarian dishes consisting primarily of vegetables; milk powder; freeze dried, dehydrated, or vacuum-packed foods—namely, apples, plums, pears, peaches, sliced strawberries, raspberries, peas, corn, cut green beans, diced carrots, sliced mushrooms, scrambled egg mix, cheese omelet, mexican omelet</p>
<p>Class 030. First Use: 2016/10/00 First Use In Commerce: 2016/10/00 All goods and services in the class are subject to cancellation, namely: Breakfast cereal, pancakes</p>

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)
Dilution by tarnishment	Trademark Act Sections 14(1) and 43(c)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	992627	Application Date	07/19/1971
Registration Date	09/03/1974	Foreign Priority Date	NONE
Word Mark	MOUNTAIN HOUSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class U046 (International Class 029, 030). First use: First Use: 1969/04/18 First Use In Commerce: 1969/04/29</p> <p>FREEZE-DRIED FOODS-NAMELY, APPLES, PLUMS, PEARS, PEACHES, SLICED STRAWBERRIES, RASPBERRIES, PEAS, CORN, CUT GREEN BEANS, DICED CARROTS, SLICED MUSHROOMS, SCRAMBLED EGG MIX, CREAMED COTTAGE CHEESE, CHEESE OMELET, MEXICAN OMELET, CHICKEN CHOP SUEY, BEEF CHOP SUEY, CHICKEN STEW, COOKED DICED CHICKEN, CHILI WITH BEANS, COOKED DICED BEEF, BEEF WITH RICE AND ONIONS, BEEF PATTIES, SAUSAGE PATTIES, PORK CHOPS, BEEF STEAK, BEEF STEW, POTATOES AND PORK, FISH SQUARES, SHRIMP, AND ICE CREAM</p>		

U.S. Registration No.	2839844	Application Date	05/19/2003
Registration Date	05/11/2004	Foreign Priority Date	NONE
Word Mark	MOUNTAIN HOUSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1999/05/13 First Use In Commerce: 1999/05/13</p> <p>On-line retail store services featuring packaged entrees consisting primarily of meat, fish, poultry, vegetables, pasta, rice, noodles, and granola, and processed fruits and milk</p>		

U.S. Registration No.	4640727	Application Date	04/07/2014
Registration Date	11/18/2014	Foreign Priority Date	NONE
Word Mark	MOUNTAIN HOUSE		

Design Mark	MOUNTAIN HOUSE
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 1969/04/18 First Use In Commerce: 1969/04/29 Freeze dried food and freeze dried foodmixtures consisting of beef, pork, pork-sausage, poultry, seafood, fish, vegetables, pasta, eggs, crackers, dessert andsnack items consisting of freeze dried fruits Class 030. First use: First Use: 1969/04/18 First Use In Commerce: 1969/04/29 freeze dried rice and granola, freeze dried ice cream

Attachments	76515195#TMSN.png(bytes) 86245012#TMSN.png(bytes) Petition to Cancel - MOUNTAIN STANDARD.pdf(103341 bytes)
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Signature	/fbhatti/
Name	Farah P. Bhatti
Date	05/04/2020

2. Petitioner has adopted and has continuously used the MOUNTAIN HOUSE trademark since at least as early as April 18, 1969, to the present time, in connection with “freeze-dried foods-namely, apples, plums, pears, peaches, sliced strawberries, raspberries, peas, corn, cut green beans, diced carrots, sliced mushrooms, scrambled egg mix, creamed cottage cheese, cheese omelet, Mexican omelet, chicken chop suey, beef chop suey, chicken stew, cooked diced chicken, chili with beans, cooked diced beef, beef with rice and onions, beef patties, sausage patties, pork chops, beef steak, beef stew, potatoes and pork, fish squares, shrimp, and ice cream,” in Classes 29 and 30, “Freeze-dried food and freeze-dried food mixtures consisting of beef, pork, pork sausage, poultry, seafood, fish, vegetables, pasta, eggs, crackers, dessert and snack items consisting of freeze-dried fruits,” in Class 29, “freeze-dried rice and granola, freeze-dried ice cream,” in Class 30, and “on-line retail store services featuring packaged entrees consisting primarily of meat, fish, poultry, vegetables, pasta, rice, noodles, and granola, and processed fruits and milk,” in Class 35 (hereinafter referred to as the “Petitioner’s Goods and Services”).

3. Petitioner owns numerous trademark registrations for the MOUNTAIN HOUSE mark throughout the world including U.S. Trademark Registration Nos. 992,627, 2,839,844 and 4,640,727 (hereinafter referred to as the “Petitioner’s Mark”) and other rights associated therewith for the Petitioner’s Goods and Services offered under Petitioner’s Mark.

4. Petitioner has developed extensive goodwill with respect to Petitioner’s Mark over the last fifty-one (51) years.

5. Petitioner is a market leader for Petitioner’s goods and services, as well as related goods and services, and is the most widely recognized brand for such goods and services.

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