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Filing date: **08/19/2021**

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	Pure Proactive Health		
Entity	Corporation	Citizenship	Delaware
Address	1 GLENWOOD AVENUE RALEIGH, NC 27604 UNITED STATES		
Attorney information	MAULIN V. SHAH ENVISION IP LLC 1345 AVENUE OF THE AMERICAS 2ND FLOOR NEW YORK, NY 10105 UNITED STATES Primary Email: maulin.shah@envisionip.com Secondary Email(s): trademarks@envisionip.com 888-307-6807		
Docket Number			

Registration Subject to Cancellation

Registration No.	6456090	Registration date	08/17/2021
Registrant	COUNTRY MILE, LLC 348 STERLING ROAD KENILWORTH, IL 60043 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 2021/03/11 First Use In Commerce: 2021/03/11 All goods and services in the class are subject to cancellation, namely: Analgesics; Anti-inflammatory and antipyretic preparations; Ibuprofen for use as an oral analgesic; Pharmaceutical preparations, namely, an analgesic for human consumption taken orally; Oral analgesics; Acetaminophen for relief of pain; Preparation for the relief of pain; Anti-inflammatories; preparations for treating colds; pain relievers, namely, non-aspirin; and pain relief medication

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	5108062	Application Date	02/05/2016
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No.			
Registration Date	12/27/2016	Foreign Priority Date	NONE
Word Mark	BETR		
Design Mark	<h1>BETR</h1>		
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2016/02/05 First Use In Commerce: 2016/02/05 Medical and wellness services, namely, providing weight loss program services		

U.S. Registration No.	5233391	Application Date	12/30/2015
Registration Date	06/27/2017	Foreign Priority Date	NONE
Word Mark	BETR		
Design Mark	<h1>BETR</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2016/02/05 First Use In Commerce: 2016/02/05 Computer software for providing health and wellness coaching		

U.S. Registration No.	5971673	Application Date	06/21/2019
Registration Date	01/28/2020	Foreign Priority Date	NONE
Word Mark	BETR THERAPEUTICS		

Design Mark	BETR THERAPEUTICS
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2019/06/21 First Use In Commerce: 2019/06/21 Downloadable computer software for providing health and wellness coaching

Attachments	86899352#TMSN.png(bytes) 86861740#TMSN.png(bytes) 88483952#TMSN.png(bytes) Petition.pdf(112374 bytes) Exhibits.pdf(1211224 bytes)
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Signature	/Maulin V. Shah/
Name	Maulin V. Shah
Date	08/19/2021

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

Pure Proactive Health Inc. (d/b/a Betr
Health), a Delaware Corporation,

Petitioner,

v.

Country Mile, LLC, an Illinois Limited
Liability Company,

Registrant.

BETR (Reg. No. 6,456,090)

International Class 5

Registration Date: August 17, 2021

PETITION TO CANCEL

Pursuant to 15 U.S.C. § 1064 and 37 C.F.R. §§ 2.111(b), Petitioner Pure Proactive Health Inc. (d/b/a Betr Health) (“Petitioner”), a Delaware corporation with its principal place of business at 1 Glenwood Avenue, Raleigh NC 27604, believes it has been and will continue to be damaged by the registration of the mark BETR, U.S. Trademark Registration No. 6,456,090 (“Registered Mark”) by Country Mile, LLC (“Registrant”), and hereby petitions the Board to cancel the same upon the following grounds:

FACTUAL ALLEGATIONS

1. Upon information and belief, Registrant is an Illinois limited liability company having an address of 348 Sterling Road, Kenilworth, IL 60043.

2. Upon information and belief, Registrant obtained the Registered Mark on the Principal Register in connection with “Analgesics; Anti-inflammatory and antipyretic preparations; Ibuprofen for use as an oral analgesic; Pharmaceutical preparations, namely, an analgesic for human consumption taken orally; Oral analgesics; Acetaminophen for relief of pain; Preparation for the relief of pain; Anti-inflammatories; preparations for treating colds; pain relievers, namely, non-aspirin; and pain relief medication.” The Registered Mark issued on August 17, 2021

3. According to the U.S. Patent and Trademark Office records, Registrant currently owns the Registered Mark.

4. Upon information and belief, Registrant's earliest date of constructive or actual use of the mark BETR upon which it can rely is no earlier than March 11, 2021, the claimed date of first use specified for the Registered Mark.

5. Upon information and belief, Registrant owns or operates the website located at <www.betremedies.com> where Registrant offers for sale various pain relief, allergy, and sleeping pills. *See Exhibit A.*

6. Upon information and belief, Registrant advertises and promotes its goods in the United States and world-wide through its website.

7. Since at least as early as 2016, Petitioner adopted and began to use the BETR trademark in connection with its proprietary medical grade nutritional supplements which are and have been marketed continuously in commerce throughout the United States.

8. Petitioner's nutritional supplements are marketed and advertised to alleviate pain and chronic illness, and to improve sleep.

9. Petitioner has maintained a website located at <www.betrhealth.com> since at least 2016 where consumers can purchase Petitioner's various services and goods, including Petitioner's nutritional supplements. *See Exhibit B.*

10. Petitioner owns the following U.S. trademark registrations which incorporates its BETR trademark:

- a. BETR, U.S. Trademark Registration No. 5,108,062, registered on December 27, 2016 for use in connection with "Medical and wellness services, namely, providing weight loss program services."

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