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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	Beyond Meat, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	119 STANDARD ST. EL SEGUNDO, CA 90245 UNITED STATES		

Correspondence information	KRISTIN S. CORNUELLE ORRICK, HERRINGTON & SUTCLIFFE LLP 2050 MAIN ST., SUITE 1100 IRVINE, CA 92614 UNITED STATES Primary Email: ipprosecution@orrick.com Secondary Email(s): kcornuelle@orrick.com, bwang@orrick.com, bela.karmel@orrick.com, mweddington@orrick.com 9495676700
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Registration Subject to Cancellation

Registration No.	5675504	Registration date	02/12/2019
Registrant	BEYOND CHEESE LTD 7 BAYWOOD GARDENS BRIGHTON, EAST SUSSEX, BN26BN UNITED KINGDOM		

Goods/Services Subject to Cancellation

Class 029. First Use: 2018/12/01 First Use In Commerce: 2018/12/01 All goods and services in the class are subject to cancellation, namely: Dairy free, vegan, gluten free, and lactose free cheeses; Plant based cheese alternatives made primarily of nuts, processed beans, and/or processed seeds; Vegetarian and vegan cheese products, namely, cheese food in the form of dips, cheese powder, cheese spreads, crumbled cheese, grated cheese, diced cheese, sliced cheese, soft cheese, melting cheese, cheddar cheese substitutes, mozzarella cheese substitutes, parmesan cheese substitutes, Emmental cheese substitutes, herb cheese substitutes, and smoked cheese substitutes; Cheese substitutes; Cream cheese; Pizza cheese

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.	4314689	Application Date	04/24/2012
Registration Date	04/02/2013	Foreign Priority Date	NONE
Word Mark	BEYOND MEAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2012/05/29 First Use In Commerce: 2012/05/29 Meat substitutes; vegetarian meat products; plant-based meat substitutes		

U.S. Registration No.	4654351	Application Date	02/24/2014
Registration Date	12/09/2014	Foreign Priority Date	NONE
Word Mark	BEYOND CHICKEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2014/08/19 First Use In Commerce: 2014/08/19 Meat substitutes; vegetarian meat products; plant-based meat substitutes		

U.S. Registration No.	4654352	Application Date	02/24/2014
Registration Date	12/09/2014	Foreign Priority Date	NONE
Word Mark	BEYOND BEEF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2014/08/19 First Use In Commerce: 2014/08/19 Meat substitutes; vegetarian meat products; plant-based meat substitutes		

Attachments	Petition to Cancel - BEYOND CHEESE - Jan-07-2021.pdf(16676 bytes)
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Signature	/Kristin S. Cornuelle/
Name	Kristin S. Cornuelle
Date	01/07/2021

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

In the Matter of Registration No. 5,675,504
Trademark: BEYOND CHEESE

<p>Beyond Meat, Inc.,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>Beyond Cheese Ltd,</p> <p style="text-align: center;">Respondent.</p>	
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PETITION FOR CANCELLATION

Beyond Meat, Inc., a corporation organized and existing under the laws of Delaware, with a business address at 119 Standard St. El Segundo, California, 90245 (“Petitioner”), believes that it is and will continue to be damaged by Registration No. 5,675,504 for the mark BEYOND CHEESE in International Class 29 and hereby petitions to cancel the same.

As grounds for cancellation, Petitioner alleges:

1. Petitioner is a corporation that provides vegetarian meat substitutes, among other goods and services.
2. Petitioner is the owner of the BEYOND MEAT mark and the BEYOND family of trademarks, including but not limited to the marks BEYOND MEAT (Registration No. 4,314,689), BEYOND CHICKEN (Registration No. 4,654,351), BEYOND BEEF (Registration No. 4,654,352), BEYOND SAUSAGE (Registration No. 5,504,568), BEYOND BURGER (Registration No. 5,910,554), THE BEYOND BURGER (Registration No. 5,101,972), BEYOND FRIED CHICKEN (Registration No. 6,071,089), BEYOND BREAKFAST

SAUSAGE (Registration No. 6,059,295), GO BEYOND (Registration No. 5,928,278), and THE FUTURE OF PROTEIN BEYOND MEAT and Design (Registration No. 5,499,242) (collectively, the “BEYOND family of marks”), which it has used in interstate commerce in connection with meat substitutes, vegetarian meat products and plant-based meat substitutes.

3. Petitioner has made a substantial investment in advertising and promoting its BEYOND family of marks. Petitioner has extensively used, advertised, promoted, offered, and rendered Petitioner’s goods under the BEYOND family of marks to the public through various channels of trade in commerce. By virtue of its efforts and the expenditure of considerable sums for promotional and advertising activities, and by virtue of the excellence of its products, Petitioner has built extensive goodwill in its BEYOND family of marks and has created, in the minds of the general public, an exclusive association between the BEYOND trademark and Petitioner’s goods.

4. Petitioner is the owner of, among others, an incontestable registration for the trademark BEYOND MEAT under U.S. Registration No. 4,314,689 for “Meat substitutes; vegetarian meat products; plant-based meat substitutes” in International Class 29. Petitioner’s Registration 4,314,689 was filed on April 24, 2012 and registered on April 2, 2013.

5. Petitioner is also the owner of U.S. Trademark Registration No. 4,654,351 for the trademark BEYOND CHICKEN for “Meat substitutes; vegetarian meat products; plant-based meat substitutes” in International Class 29. Petitioner’s Registration No. 4,654,351 was filed on February 24, 2014 and registered on December 9, 2014.

6. Petitioner is also the owner of U.S. Trademark Registration No. 4,654,352 for the trademark BEYOND BEEF for “Meat substitutes; vegetarian meat products; plant-based meat

substitutes” in International Class 29. Petitioner’s Registration No. 4,654,352 was filed on February 24, 2014 and registered on December 9, 2014.

7. On October 15, 2020, Petitioner filed a trademark application for BEYOND CHEESE, Serial No. 90/256,631 for “cheese substitutes; non-dairy cheese; plant-based cheese substitutes” in Class 29 (the “Petitioner’s Application”).

8. On December 17, 2020, the U.S. Patent and Trademark Office (“USPTO”) issued an office action refusing registration of the Petitioner’s Application under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), based on a likelihood of confusion with the mark shown at U.S. Registration No. 5,675,504.

9. Beyond Cheese Ltd (“Respondent”) appears as the listed owner of Registration No. 5,675,504 for the mark BEYOND CHEESE for “Dairy free, vegan, gluten free, and lactose free cheeses; Plant based cheese alternatives made primarily of nuts, processed beans, and/or processed seeds; Vegetarian and vegan cheese products, namely, cheese food in the form of dips, cheese powder, cheese spreads, crumbled cheese, grated cheese, diced cheese, sliced cheese, soft cheese, melting cheese, cheddar cheese substitutes, mozzarella cheese substitutes, parmesan cheese substitutes, Emmental cheese substitutes, herb cheese substitutes, and smoked cheese substitutes; Cheese substitutes; Cream cheese; Pizza cheese” in Class 29, filed on February 23, 2015 and registered on February 12, 2019.

10. Respondent identifies itself in its registration as a United Kingdom private limited company with an address at 7 Baywood Gardens Brighton, East Sussex, United Kingdom BN26BN.

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