

# *Exhibit A*

## U.S. TRADEMARK CONSENT AGREEMENT

This Agreement is by and between Apro, LLC (“**Apro**”), a Delaware corporation with a principal place of business at 17311 S. Main Street, Gardena, California 90248, and Rocket Foods Inc. (“**Rocket Foods**”), a Canadian corporation with a principal place of business at #5 – 3403 Auchinachie Road, Duncan, British Columbia, Canada V9L4A2 (individually, a “**Party**,” and collectively, the “**Parties**”).

WHEREAS, Apro has applied to register the mark ROCKET and the stylized design marks ROCKET & Design (displayed below) and R ROCKET & Design (displayed below) for “retail convenience stores” in Class 35 (the “**Apro Services**”) with the U.S. Patent and Trademark Office (“**PTO**”), under Application Serial Nos. 86/824,857, 86/824,854, and 86/824,846:



(collectively, the “**Apro Marks**”);

WHEREAS, Rocket Foods is the owner of a U.S. registration for the mark ROCKET FOODS SIMPLY OUT OF THIS WORLD EST. 2075 & Design (displayed below) under U.S. Registration No. 4,687,969, covering “wholesale and online retail store services featuring snack foods” in Class 35, *as amended to delete “retail store services”*:



(the “**Rocket Foods Design Mark**”);

WHEREAS, the PTO has refused registration of the Apro Marks based on an alleged likelihood of confusion with the Rocket Foods Design Mark;

WHEREAS, the Parties believe that the concurrent use of their respective marks will not result in the likelihood of consumer confusion and desire to permit each other to use their respective marks in the United States; and

WHEREAS, the Parties have considered their commercial interests with care and have no interest in causing public confusion.

In view of the foregoing and in consideration of the mutual undertakings agreed to by the Parties, the Parties agree as follows:

1. Rocket Foods hereby consents to the use and registration of the Apro Marks in Application Serial Nos. 86/824,857, 86/824,854, and 86/824,846.

2. The Parties hereby state that they believe in good faith that the concurrent use and registration of their respective marks for their respective services is not likely to cause confusion, mistake, or deception, including for the following reasons that reflect the terms of the agreement between the Parties:

- (a) The Parties' respective marks feature unique, distinctive, and readily distinguishable design elements, which, when considered in their entirety, generate distinct commercial impressions.
- (b) The respective services offered by the Parties are different, travel in different channels of trade, and are directed to different consumers.
- (c) Apro will not use the Apro Marks in connection with the sale of products on the internet.
- (d) Rocket Foods does not currently operate and will in the future not open or operate brick-and-mortar stores or retail establishments in the U.S. A Request to Amend the Rocket Foods Design Mark to delete "retail store services" has been filed by Rocket Foods.
- (e) The Parties believe they are in the best position to discern whether confusion is likely. Based on their knowledge of the marketing environment for their respective services, the Parties believe the differences in the marks' appearance and commercial impressions, as well as the differences in the respective services and consumers, are sufficient to preclude a likelihood of confusion.

3. The Parties agree to make reasonable efforts to prevent confusion in the market, and to cooperate and take steps to avoid any confusion should any arise in the future.

4. The terms and conditions of this Agreement shall inure to the benefit of and be binding and enforceable against each Party's agents, successors, licensees, assignees, and other present or future parties in interest.

5. This Agreement may be executed in counterparts and copies may be used instead of originals. The executed counterparts shall be construed as and constitute one document.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement on the dates set forth below their respective signatures.

**APRO, LLC**



Signature

Name: CARI CARDWELL

Title: CEO

Date: 4/25/17

**ROCKET FOODS INC.**



Signature

Name: Jas Bains

Title: President

Date: April 21/2017

# *Exhibit B*

## Section 7 Request Form

**The table below presents the data as entered.**

Input Field	Entered
<b>REGISTRATION NUMBER</b>	4687969
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108
<b>SERIAL NUMBER</b>	86316504
<b>MARK SECTION</b>	
<b>MARK FILE NAME</b>	<a href="https://tmng-al.uspto.gov/resting2/api/img/86316504/large">https://tmng-al.uspto.gov/resting2/api/img/86316504/large</a>
<b>LITERAL ELEMENT</b>	ROCKET FOODS SIMPLY OUT OF THIS WORLD EST. 2075
<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	Rocket Foods Inc.
<b>INTERNAL ADDRESS</b>	#5 - 3403 Auchinachie Road
<b>STREET</b>	Duncan
<b>CITY</b>	British Columbia
<b>ZIP/POSTAL CODE</b>	V9L4A2
<b>COUNTRY</b>	Canada
<b>EXPLANATION OF FILING</b>	
Pursuant to an agreement between Registrant and a third party, Registrant hereby requests amendment of its class 35 services identification from the following: "Wholesale, retail and online retail store services featuring snack foods" to the following: "Wholesale and online retail store services featuring snack foods." The narrowing amendment is in the nature of a deletion of the first word "retail" to clarify that Registrant's retail store services are provided online.	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>IDENTIFICATION</b>	
Wholesale, retail and online retail store services featuring snack foods	
<b>FILING BASIS</b>	Section 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	TMA862,100
<b>FOREIGN REGISTRATION COUNTRY</b>	Canada
<b>FOREIGN REGISTRATION DATE</b>	10/07/2013
<b>FOREIGN EXPIRATION DATE</b>	10/07/2028
<b>STANDARD CHARACTERS OR EQUIVALENT</b>	NO
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	

<b>INTERNATIONAL CLASS</b>	035
<b>IDENTIFICATION</b>	
Wholesale and online retail store services featuring snack foods	
<b>FILING BASIS</b>	Section 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	TMA862,100
<b>FOREIGN REGISTRATION COUNTRY</b>	Canada
<b>FOREIGN REGISTRATION DATE</b>	10/07/2013
<b>FOREIGN EXPIRATION DATE</b>	10/07/2028
<b>ATTORNEY SECTION</b>	
<b>ORIGINAL ADDRESS</b>	ALEX PATEL PATEL & ALMEIDA, P.C. 16830 VENTURA BLVD STE 360 ENCINO California United States 91436-1711
<b>NEW ATTORNEY SECTION</b>	
<b>NAME</b>	Alex Patel
<b>FIRM NAME</b>	Patel & Almeida, P.C.
<b>OTHER APPOINTED ATTORNEY</b>	Paulo A. de Almeida
<b>STREET</b>	16830 VENTURA BLVD STE 360
<b>CITY</b>	ENCINO
<b>STATE</b>	California
<b>ZIP/POSTAL CODE</b>	91436-1711
<b>COUNTRY</b>	United States
<b>PHONE</b>	8183801900
<b>EMAIL</b>	Paulo@PatelAlmeida.com
<b>AUTHORIZED EMAIL COMMUNICATION</b>	Yes
<b>CORRESPONDENCE SECTION</b>	
<b>ORIGINAL ADDRESS</b>	ALEX PATEL PATEL & ALMEIDA, P.C. 16830 VENTURA BLVD STE 360 ENCINO California United States 91436-1711
<b>NEW CORRESPONDENCE SECTION</b>	
<b>NAME</b>	Alex Patel
<b>FIRM NAME</b>	Patel & Almeida, P.C.
<b>STREET</b>	16830 VENTURA BLVD STE 360
<b>CITY</b>	ENCINO

STATE	California
ZIP/POSTAL CODE	91436-1711
COUNTRY	United States
PHONE	8183801900
EMAIL	Paulo@PatelAlmeida.com;Alex@paiplaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>PAYMENT SECTION</b>	
SECTION 7 FEE	100
TOTAL FEES DUE	100
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/Paulo A. de Almeida/
SIGNATORY'S NAME	Paulo A. de Almeida
SIGNATORY'S POSITION	Attorney
DATE SIGNED	05/01/2017
REQUEST SIGNATURE	/Paulo A. de Almeida/
SIGNATORY'S NAME	Paulo A. de Almeida
SIGNATORY'S POSITION	Attorney
DATE SIGNED	05/01/2017
AUTHORIZED SIGNATORY	YES
CONCURRENT § 8, 8 &15, OR 8 &9 FILED	NO
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Mon May 01 14:53:55 EDT 2017
TEAS STAMP	USPTO/S7R-XXX.XXX.XX.XXX- 20170501145355368567-4687 969-590da96274e532d586356 128229be73f69b4ebb4a5713a a2d56c795c42712eec88-CC-1 328-20170501144202254917

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PTO Form 1597 (Rev 11/2007)

OMB No. 0651-0055 (Exp 07/31/2018)

## Section 7 Request Form

### To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **4687969** ROCKET FOODS SIMPLY OUT OF THIS WORLD EST. 2075 (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/86316504/large>) has been amended as follows:

### EXPLANATION OF FILING

Pursuant to an agreement between Registrant and a third party, Registrant hereby requests amendment of its class 35 services identification from the following: "Wholesale, retail and online retail store services featuring snack foods" to the following: "Wholesale and online retail store services featuring snack foods." The narrowing amendment is in the nature of a deletion of the first word "retail" to clarify that Registrant's retail store services are provided online.



## **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Registrant proposes to amend the following class of goods/services in the application:**

**Current:** Class 035 for Wholesale, retail and online retail store services featuring snack foods

Original Filing Basis:

**Filing Basis: Section 44(e), Based on Foreign Registration:** Registrant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and submits a copy of [ Canada registration number TMA862,100 registered 10/07/2013 with a renewal date of \_\_\_\_\_ and an expiration date of 10/07/2028 ], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

**Proposed:** Class 035 for Wholesale and online retail store services featuring snack foods

**Filing Basis: Section 44(e), Based on Foreign Registration:** Registrant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and will submit a copy of [ Canada registration number TMA862,100 registered 10/07/2013 with a renewal date of \_\_\_\_\_ and an expiration date of 10/07/2028 ], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

## **ATTORNEY INFORMATION**

Registrant proposes to amend the following:

**Current:** ALEX PATEL PATEL & ALMEIDA, P.C. 16830 VENTURA BLVD STE 360 ENCINO California United States 91436-1711

**Proposed:** Alex Patel of Patel & Almeida, P.C., having an address of 16830 VENTURA BLVD STE 360 ENCINO, California United States 91436-1711, whose e-mail address is Paulo@PatelAlmeida.com, whose phone number is 8183801900.

The Other Appointed Attorney(s): Paulo A. de Almeida.

## **CORRESPONDENCE ADDRESS CHANGE**

Registrant proposes to amend the following:

**Current:** ALEX PATEL PATEL & ALMEIDA, P.C. 16830 VENTURA BLVD STE 360 ENCINO California United States 91436-1711

**Proposed:** Alex Patel of Patel & Almeida, P.C., having an address of 16830 VENTURA BLVD STE 360 ENCINO, California United States 91436-1711, whose e-mail address is Paulo@PatelAlmeida.com;Alex@paiplaw.com, whose phone number is 8183801900.

## **FEE(S)**

Fee(s) in the amount of \$100 is being submitted.

## **SIGNATURE(S)**

### **Declaration Signature**

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 this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Paulo A. de Almeida/ Date: 05/01/2017

Signatory's Name: Paulo A. de Almeida

Signatory's Position: Attorney

Signatory's Phone: 8183801900

### **Request Signature**

Signature: /Paulo A. de Almeida/ Date: 05/01/2017

Signatory's Name: Paulo A. de Almeida

Signatory's Position: Attorney

Signatory's Phone: 8183801900

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the registrant in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

Mailing Address: Alex Patel  
Patel & Almeida, P.C.  
16830 VENTURA BLVD STE 360  
ENCINO, California 91436-1711

RAM Sale Number: 4687969  
RAM Accounting Date: 05/02/2017

Serial Number: 86316504  
Internet Transmission Date: Mon May 01 14:53:55 EDT 2017  
TEAS Stamp: USPTO/S7R-XXX.XXX.XX.XXX-201705011453553  
68567-4687969-590da96274e532d58635612822  
9be73f69b4ebb4a5713aa2d56c795c42712eec88  
-CC-1328-20170501144202254917

**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 4687969



**Serial Number:** 86316504



**RAM Sale Number:** 4687969

**RAM Accounting Date:** 20170502

**Total Fees:** \$100

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>	
§7 request		20170501	\$0	0	0	\$100

Physical Location: MADCD- ALEX. CENTRAL DOCKET

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20170501

