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PTO-2188: Petition for Cancellation

uspto

Electronic System for Trademark Trials and Appeal

View ESTTA technical requirements, new features and other important user guidelines

If you are using Internet Explorer, please ensure that the Compatibility View (Tools>Compatibility View settings) is disabled or not enabled.

Browse ESTTA forms and learn when and how to use them

<u>File Size Limits:</u> The maximum size for each attached file is 6 MB. A single ESTTA filing may comprise more than one attached file, totaling no more than 53 MB.

Please choose one of the following options to start filing a form for

| | Request for Extension of Time to File an Opposition File a request for extension of time to file a notice of opposition, relinquish an extension, or other actions related to extensions of time to oppose. |
|---|--|
| | Enter the application serial number to which the filing applies: Start |
| | Fees are required for certain requests for extension that can be filed using this form. |
| • | File a New Proceeding Use these options to file a new opposition, cancellation or appeal from a final refusal to register. Choose your filing and enter the serial number of the application to be opposed, the registration number of the registration to be cancelled, or the serial number of the application to be appealed. |
| | Type of filing: Petition for Cancellation |
| | There is a filing fee associated with these forms. |
| • | File Documents in a Board Proceeding Use these options to file documents (motions, briefs, etc.) in an already existing opposition, cancellation, concurrent use, or appeal proceeding. Choose a filing option and enter the opposition number (91xxxxxx), cancellation number (92xxxxxx), concurrent use number (94xxxxxx), or application serial number to which your filing applies. |
| | Type of filing: Start |
| | Most filings do not require a fee. |

Start screen

Electronic System for Trademark Trials and Appeals

Petition for Cancellation Navigation: - Registration ESTTA v. PTO-2188 (Exp.) OMB No. 0851-0040 (Exp.)

Registration

Please verify that the information appearing below correctly identifies the registration to which this action applies.

| Registrant | |
|-----------------------|--|
| Registration Number | |
| Registration Date | |
| Mark | |
| International Classes | |

| ☐ Check here if you are aware of a name, a | address or email address that differs from what is shown |
|--|--|
|--|--|

This is the correct registration Cancel Save Session

Verify registration screen

[uspto]

Electronic System for Trademark Trials and Appeals

Petition for Cancellation Navigation: <u>Registration</u> - Additional Registrant Info

| | ESTTA v. | | |
|-------------------|----------|--|--|
| PTO-2188 | (Exp.) | | |
| OMB No. 0651-0040 | (Exp.) | | |

Additional Registrant Information Provided by Petitioner

| Enter the additional | name, address and email address for the owner of the registration |
|----------------------|---|
| Name | |
| Title | |
| Business | |
| Street address | |
| (continued) | |
| City | |
| State | ▽ |
| Zip/Postal Code | |
| Country | UNITED STATES V Switch to non US address |
| Email Address | Note: The TTAB will respond to this request via email. Later communications may be in paper form. Multiple email addresses may be provided separated by comma and space |
| Telephone Number | |
| | |
| ☐ Check here to e | nter additional owner name, address, or email on a new screen |
| Next Back | Cancel Save Session |

Screen to provide additional information (must check box on previous screen)

Electronic System for Trademark Trials and Appeals

Petition for Cancellation Navigation: Registration - Ground ESTTA v. PTO-2188 (Exp. OMB No. 0851-0040 (Exp.

Grounds for Cancellation

Please check as many grounds for cancellation as are applicable. If a particular ground is not listed, check the "Other" box and fill in the ground in the text box provided.

| The | groui | nds for c | ancellation | are as follows: | |
|-----|-----------------------------------|--|--|--|--|
| | | | elihood of co | | Trademark Act Sections 14(1) and 2(d) |
| | The n | nark is m | erely descrip | tive | Trademark Act Sections 14(1) and 2(e)(1) |
| | The n | nark is or | has become | generic | Trademark Act Section 14(3), or Section 23 if on Supplemental Register |
| | The n | nark is de | ceptively mis | sdescriptive | Trademark Act Sections 14(1) and 2(e)(1) |
| | The n | | imarily geogr | aphically | Trademark Act Sections 14(1) and 2(e)(2) |
| | | | imarily geogr sdescriptive | aphically | Trademark Act Sections 14(1) and 2(e)(3) |
| | The r | nark is pr | imarily merel | y a surname | Trademark Act Sections 14(1) and 2(e)(4) |
| | | nark com | prises matter ional | that, as a | Trademark Act Sections 14(1) and 2(e)(5), or Section 23 if on Supplemental Register |
| | applic | cation, an | cin commero nendment to se was filed | ce before allege use, or | Trademark Act Sections 14(1) and 1(a), (c), and (d) |
| | | donment | | | Trademark Act Section 14(3) |
| | Failur | e to func | tion as a mar | k | Trademark Act Sections 14(1) and 1,2 and 45 |
| | | | t inherently o | distinctive and ness | Trademark Act Sections 14(1) and 1,2 and 45; and Section 2 (f) |
| | | on by blu | | | Trademark Act Sections 14(1) and 43(c) |
| | Dilutio | on by tarr | ishment | | Trademark Act Sections 14(1) and 43(c) |
| | | | rightful owne s or services | er of mark for | Trademark Act Sections 14(1) and 1 |
| | False perso or na | suggesti ns, living | on of a conn or dead, ins nbols, or brin | ection with titutions, beliefs, | Trademark Act Sections 14(3) and 2(a) |
| | | ptiveness | | | Trademark Act Sections 14(3) and 2(a) |
| | Immo | ral or sca | ındalous mat | ter | Trademark Act Sections 14(3) and 2(a) |
| | Dispa | raging | | | Trademark Act Sections 14(3) and 2(a) |
| | in cor | nection v | vith wine or s | h, if used on or spirits, identifies n of the goods | Trademark Act Sections 14(3) and 2(a) |
| | the po misre service | ermission present t | of, the regis he source of | ed by, or with trant so as to the goods or n with which the | Trademark Act Section 14(3) |
| | arms or of | or other i any State | nsignia of the or municipa | e flag or coat of e United States, lity, or of any ation thereof | Trademark Act Sections 14(3) and 2(b) |
| | Cons or sig writte signa | ists of or nature of n consen ture of a | comprises a a living indiv t, or the nam deceased pro | name, portrait, ridual without e, portrait, or esident without urviving spouse | Trademark Act Sections 14(1) and 2(c) |
| | | nued regi preclusio | | ed by claim or | Mayer/Berkshire Corp. v. Berkshire Fashions Inc., 424 F.3d 1229, 76 USPQ2d 1310 (Fed. Cir. 2005) |
| | | on the U | | | Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009) |
| | Violat 4 | tes the pr | ovisions of T | rademark Act § | Trademark Act Section 4 (collective and certification marks) and Sections 14(3) and (5) |
| | Misus | e of regis | stration symb | ool | Copelands' Enterprises Inc. v. CNV Inc., 945 F.2d 1563, 20 USPQ2d 1295 (Fed. Cir. 1991) |
| | Title | of single o | creative work | | Trademark Act Sections 1,2 and 45, Mattel Inc. v. Brainy Baby Co.,101 USPQ2d 1140 (TTAB 2011) |
| | and s | | concisely ind r common-la | icate grounds w basis for | |
| Ne | ext | Back | Cancel | Save Session | |



Electronic System for Trademark Trials and Appeals

Petition for Cancellation Navigation: <u>Registration</u> - Grounds

| | ESTTA v. |
|-------------------|----------|
| PTO-2188 | (Exp. |
| OMB No. 0651-0040 | (Exp. |

Grounds for Cancellation

Please check as many grounds for cancellation as are applicable.

| The | grounds for cancellation are as follows: | |
|-----|---|--|
| | Abandonment | Trademark Act Section 14(3) |
| | The mark is or has become generic | Trademark Act Section 14(3), or Section 23 if on Supplemental Register |
| | False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute | Trademark Act Sections 14(3) and 2(a) |
| | Deceptiveness | Trademark Act Sections 14(3) and 2(a) |
| | Immoral or scandalous matter | Trademark Act Sections 14(3) and 2(a) |
| | Disparaging | Trademark Act Sections 14(3) and 2(a) |
| | Geographic indication which, if used on or in connection with wine or spirits, identifies a place other than the origin of the goods | Trademark Act Sections 14(3) and 2(a) |
| | The mark comprises matter that, as a whole, is functional | Trademark Act Sections 14(3) and 2(e)(5), or Section 23 if on Supplemental Register |
| | The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used | Trademark Act Section 14(3) |
| | Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof | Trademark Act Sections 14(3) and 2(b) |
| | Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse | Trademark Act Sections 14(3) and 2(c) |
| | Fraud on the USPTO | Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009) |
| | Violates the provisions of Trademark Act § 4 | Trademark Act Section 4 (collective and certification marks) and Sections 14(3) and (5) |
| N | ext Back Cancel Save Session | |



Electronic System for Trademark Trials and Appeals Petition for Cancellation Navigation: Registration - Grounds - Goods/Services PTO-2188 (Exp. OMB No. 0851-0040 (Exp.

Goods and Services

| Registration No. has class or goods/services are subject to the petiti | of goods or services. Please indicate below which ion for cancellation. |
|--|---|
| O All of the goods in this class | IC Goods and Services: |
| O Some of the goods in this class (delete goods or services that do not apply) | Goods and Services. |
| O None of the goods in this class | First use: First use in commerce: |
| Next Back Cancel Reset | Save Session |
| | |
| 25/2020 07:57 AM EST | |
| | |

 $Goods\, and\,\, services\,\, screen$

Electronic System for Trademark Trials and Appeals

Petition for Cancellation Navigation: - Petitioner

Petitioner Information

Enter petitioner information Check here if opposer/petitioner is represented by an attorney Only attorneys qualified under Patent and Trademark Rule 11.14 may represent others before the Trademark Trial and Appeal Board. Name * Corporation Name and citizenship of the general partners (List the first 10 only) * Type ≠ O Partnership Company Other Entity type * state Incorporated or registered in 🔺 or country: First Name * Middle Initial Last Name 🛎 Suffix Individual V Country of Citizenship * If the country is not on the list, please, specify the country name Street Address Internal address/ Street 2 Address Current domicile required for all parties. Indicate address of State/Territory . ~ permanent legal residence (for individuals) or principal place of business (for entities). Switch to non US address Country 🗻 UNITED STATES ✓ Postal Code * Next Cancel Save Session

 $Petitioner\ information\ screen$

Electronic System for Trademark Trials and Appeals

Petition for Cancellation Navigation: - Add/Modify ESTTA v. PTO-2188 (Exp. OMB No. 0851-0040 (Exp.

Add/Modify Information

| Please choose one of the followin | g actions: | |
|---|--|---------------------|
| Add another registration num | ber to the request | |
| | Enter the registration number of the mark: | Add Property |
| Add another petitioner to the | request | |
| Click this | s button to enter information about additional petitione | er: Add Petitioner |
| Change information in the rec Petitioned registration | quest | |
| Registration Information | Registration #: Mark: Registrant: Email: | Remove |
| Goods/Services Subject to Cancella | ition: | |
| | | Edit |
| Grounds for Cancellation | | Edit |
| Petitioner | | |
| 0.5 | | Edit |
| Continue If you do not need to change information | the above information, click "Next" below to proceed | with correspondence |
| Next Cancel Save Sessi | ion | |

Electronic System for Trademark Trials and Appeals

 Petition for Cancellation
 ESTTA v

 Navigation: Add/Modify - Related
 PTO-2188 (Exp.)

 OMB No. 0851-0040 (Exp.)
 OMB No. 0851-0040 (Exp.)

Related Proceedings

If the parties are involved in proceedings involving the same or similar marks, identify those proceedings below

| Related Proceedings | |
|---------------------|--------------------|
| Next Back C | ancel Save Session |

Related proceedings screen

Petitioner's Correspondence Information

Enter the address at which you would like to receive correspondence regarding this proceeding. Name . Title Business Street address. Internal address/ Street 2 City -State/Territory . Postal Code . Country * Switch to non US address Primary Email Address ...
(You may enter only one address.) **Email Address** Secondary Email Address(es)
(You may enter up to 10 addresses. These are addresses to which the Board will also transmit correspondence.) Telephone Number

 $Correspondence\ screen$

Next

Back

Cancel

Save Session

Attorney Correspondence Information

Enter the address at which you would like to receive correspondence regarding this proceeding. Name -Firm Docket Number Year of Admission U.S. ~ State/Commonwealth/Territory Bar Membership . Membership Number You must enter either "N/A" or a membership number if your U.S. state, commonwealth, or territory issues one. This number will not be publically displayed. This attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. commonwealth or territory. Street address Internal address/ Street 2 City -State/Territory ~ Postal Code . Country . UNITED STATES V Switch to non US address Primary Email Address . (You may enter only one address.) **Email Address** Secondary Email Address(es) (You may enter up to 10 addresses. These are addresses to which the Board will also transmit correspondence.) Telephone Number Next Back Cancel Save Session

Attorney correspondence screen
(Note: Bar membership information only visible to filer-not available on TTABVUE)

Electronic System for Trademark Trials and Appeals

Petition for Cancellation

Navigation: Add/Modify - Related - Correspondence - Pleading

PTO-2188 (Exp.)

OMB No. 0851-0040 (Exp.)

Pleading

You must attach a <u>short and plain statement of the grounds</u> setting forth, in numbered paragraphs, averments that include the reason(s) why the petitioner believes it is or will be damaged by the registration sought to be cancelled (i.e., petitioner's standing), as well as the ground(s) for cancellation. [See TBMP § 309.03(a)(2)].

To attach your file(s):

- 1. Pre-filing checklist.
- Please make sure that the file name does not contain any special characters such as (!@#\$%^&*(){}).
- The maximum size for each attached file is 6 MB. A single ESTTA filing may comprise more than one attached file, totaling no more than 53 MB. Tips for attaching a large file.
- Choose the "Browse" button below and select a file in an <u>accepted format</u> (TIFF, PDF, or TXT) from your computer. (To attach a document saved in TIFF format, the document must first be saved using this extension: .tiff)
- The name of the file you want to attach should appear in the text box below. Click the "Attach File" button.
- 6. When you have attached all desired files, click "Next Screen" at the bottom of the page to proceed.



Attachment screen

Electronic System for Trademark Trials and Appeals

Petition for Cancellation Navigation: <u>Add/Modify</u> - <u>Related</u> - <u>Correspondence</u> - <u>Pleading</u> - Sign

PTO-2188 (Exp. OMB No. 0851-0040 (Exp.

Signature

The submission must be signed by the filer. The Board will accept any combination of letters, numbers, spaces or punctuation marks as a valid signature if it is placed between two forward slash (/) symbols.

Sign the request by completing the following fields

| in the request by CC | | | T AND TRADEM | ABY OFFICE | | |
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| | Petiti | on for C | Cancellatio | n | | |
| lotice is hereby gi ndicated below. | ven that the follow | ving party h | as filed a petitio | n to cancel the | registration | |
| etitioner Inform | ation | | | | | |
| Name | | | | | | |
| Entity | | | Citizenship | | | |
| Address | | | | | | |
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| Correspondence information | | | | | | |
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| Registrant | | | | | | |
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| Goods/Services St | ibject to Cancell | ation | | | | |
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| Grounds for Cano | cellation | | | | | |
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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Add/Modify - Related - Correspondence - Pleading - Sign - Validate

PTO-2188 (Exp. OMB No. 0851-0040 (Exp.

Validate

Review the information below and click on the "to proceed with payment" button if the information is correct. If you need to edit any information, go back to proper screen using navigation facilities on this web page and make your correction(s).

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| Notice is hereby andicated below. | Petition fo | r Cancellatio | |
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| | given that the following pa | rty has filed a petiti | on to cancel the registration |
| Petitioner Inform | nation | | |
| Name | | | |
| Entity | | Citizenship | |
| Address | : | | |
| Correspondenc information | e | | |
| Registration Suk | oject to Cancellation | | |
| Registration No. | | Registration date | |
| Registrant | | | |
| Goods/Services S | Subject to Cancellation | | |
| Grounds for Ca | ncellation | | |
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Signature

The submission must be signed by the filer. The Board will accept any combination of letters, numbers, spaces or punctuation marks as a valid signature if it is placed between two forward slash (I) symbols.

Sign the request by completing the following fields

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| Notice is hereby gi | | | Cancellation has filed a petition | to cancel the registration |
| indicated below. | | 2 | | - |
| Petitioner Inform | ation | | | |
| Name | | | | |
| Entity | | | Citizenship | |
| Address | | | | |
| | | | | |
| Attorney informs | tion | | | |
| Docket Number | | | | |
| | | | Admission: | |
| Bar Information (bar information w the record, or e-ma and will not be pul | ail confirmation, | Members This atto standing state, the | | n active member in good ighest court of a U.S. bia, or any U.S. |
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Validate

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DO NOT USE THE BACK BUTTON ON YOUR BROWSER.

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

| Attorney information Docket Number Bar Information (bar information will not appear in the record, or e-mail confirmation, and will not be publically displayed) Registration Subject to Cancellation Registration Registrant Citizenship Year of Admission: U.S. State/Commonwealth/Territory: Membership Number This attorney of record is an active member in goo standing of the bar of the highest court of a U.S. Commonwealth or territory. Registration Registration Registration Goods/Services Subject to Cancellation | Attorney information Docket Number Bar Information (bar information will not appear in the record, or e-mail confirmation, and will not be publically displayed) This attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory. Registration Registration Registration Registration Registration Registration |
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| Attorney information Docket Number Bar Information (bar information will not appear in the record, or e-mail confirmation, and will not be publically displayed) This attorney of record is an active member in goo standing of the bar of the highest court of a U.S. Commonwealth or territory. Registration Subject to Cancellation Registration Registration Registration Registration Registration | Attorney information Docket Number Bar Information (bar information will not appear in the record, or e-mail confirmation, and will not be publically displayed) Registration Subject to Cancellation Registration Registration Registrant Wear of Admission: U.S. State/Commonwealth/Territory. Membership Number Into attorney of record is an active member in good standing of the bar of the highest court of a U.S. commonwealth or territory. Registration Subject to Cancellation Registration Registration Registration Goods/Services Subject to Cancellation |
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Paperwork Reduction Act Statement

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. This Petition to Cancellation is estimated to take 30 minutes to complete and submit to USPTO. Any comments on the amount of time you require to complete this activity and/or suggestions for reducing this burden, should be sent to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to an application for a trademark/servicemark. The authority for the collection of this information is 35 U.S.C. 2(b)(2); (2). The information in this system of records is used to disseminate information about Trademarks submission or other Trademark related actions before the United States Patent Office. However, routine uses of this information may include disclosure to the following: to law enforcement and investigation in the event that the system of records indicates a violation or potential violation of law; to a Federal, state, local, or international agency, in response to its request; to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law; to non-federal personnel under contract to the agency; to a court for adjudication and litigation; to the Department of Justice for Freedom of Information Act (FOIA) assistance; to members of Congress working on behalf of an individual; to the Office of Personnel Management for personnel research purposes; to National Archives and Records Administration for inspection of records; and to the Office of Management and Budget for legislative coordination and clearance. Disclosure of the information by you is voluntary; however, if you do not furnish the requested information, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application for a trademark. The applicable Privacy Act System of Records Notice for this information request is COMMERCE/USPTO-26, Trademarks Application and Registration Records: Federal Register vol. 85 February 18, 2020, p 8847, available at https://www.govinfo.gov/ content/pkg/FR-2020-02-18/pdf/2020-03068.pdf.