

ESTTA Tracking number: **ESTTA285726**

Filing date: **05/26/2009**

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 requests to cancel indicated registration.

Petitioner Information

Name	Zoom Vacations, LLC		
Entity	limited liability company	Citizenship	Illinois
Address	2338 North Monticello Avenue Chicago, IL 60647 UNITED STATES		

Attorney information	Robert S. Silver Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd. 1635 Market Street - 11th Floor Philadelphia, PA 19103 UNITED STATES rssilver@crbcp.com, trademarks@crbcp.com Phone:2155672010		
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Registration Subject to Cancellation

Registration No	3511735	Registration date	10/07/2008
Registrant	Raindrop Ventures, Inc. B160-458 22431 Antonio Parkway Rancho Santa Margarita, CA 92688 UNITED STATES		

Goods/Services Subject to Cancellation

Class 039. First Use: 2006/04/27 First Use In Commerce: 2006/04/27 All goods and services in the class are cancelled, namely: TRAVEL AGENCY SERVICES, NAMELY, MAKING RESERVATIONS AND BOOKINGS FOR CRUISES, TRANSPORTATION AND TOURS; TRAVEL INFORMATION SERVICES
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	77536888	Application Date	08/01/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ZOOM VACATIONS		

Design Mark	Zoom Vacations
Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 2002/09/01 First Use In Commerce: 2002/09/01 Arranging travel tours; Providing information, news and commentary in the field of travel; Travel booking agencies

Attachments	77536888#TMSN.jpeg (1 page)(bytes) Z102030001PETITIONFORCANCELLATION.pdf (2 pages)(70740 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Robert S. Silver/
Name	Robert S. Silver
Date	05/26/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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ZOOM VACATIONS, LLC	:	
	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No.
	:	
RAINDROP VENTURES, INC.	:	
	:	
Respondent.	:	

**PETITION FOR CANCELLATION OF CERTIFICATE
OF REGISTRATION NO. 3,511,735**

ASSISTANT COMMISSIONER
FOR TRADEMARKS
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3513
ATTN: BOX TTAB FEE

Sir:

In the matter of Certificate of Registration No. 3,511,735 issued on October 7, 2008 to Raindrop Ventures, Inc., having a current address at 7545 Irvine Center Drive, Suite 200, Irvine, CA 92618-2933; covering the service mark CRUISEZOOM for travel agency services namely, making reservations and bookings for cruises, transportation and tours, travel information services. Zoom Vacations, LLC, a limited liability company having a place of business at 2338 North Monticello Avenue, Chicago, Illinois 60647, believes that it is and it will continue to be damaged by said registration and hereby petitions for cancellation of the same.

The grounds for the cancellation are as follows:

1. Petitioner, Zoom Vacations, LLC., has filed a use based application to register the mark ZOOM VACATIONS, under Application Serial No. 77/536,888 for arranging travel tours, providing information, news and commentary in the field of travel and travel booking agencies.
2. Petitioner, Zoom Vacations, LLC.'s date of first use of September 1, 2002, precedes both the filing date of February 29, 2008 and the date of first use of April 27, 2006 of Registrant.
3. If said registration of the mark CRUISE ZOOM by Registrant is permitted to remain of record, it will remain an obstruction to registration by Petitioner, all to the great injury of the Petitioner, as the Registrant's Certificate of Registration has been cited as an impediment to registration by Petitioner.

WHEREFORE, Petitioner respectfully prays that this Petition for Cancellation be granted and that Registration No. 3,511,735 be canceled.

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

May 26, 2009

By _____
Robert S. Silver
11th Floor - Seven Penn Center
1635 Market Street
Philadelphia, PA 19103-2212
(215) 567-2010
Attorneys for Petitioner