

ESTTA Tracking number: **ESTTA316768**

Filing date: **11/13/2009**

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	Matthew Anderson		
Entity	Individual	Citizenship	UNITED STATES
Address	PO BOX 2866 KIRKLAND, WA 98083-2866 UNITED STATES		

Correspondence information	Matthew Anderson PO BOX 2866 KIRKLAND, WA 98083-2866 UNITED STATES anderson.gtr@gmail.com Phone:206-366-1782		
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### Registration Subject to Cancellation

Registration No	3089748	Registration date	05/09/2006
Registrant	Endeavor Music LLC 23340 13th Ave. SE Bothell, WA 98021 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 041. First Use: 2003/05/27 First Use In Commerce: 2003/05/28 All goods and services in the class are cancelled, namely: Live performances by a musical group
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Related Proceedings	Mark: THE ENDEAVORS Serial #: 77675265
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Attachments	TTAB_2009.pdf ( 1 page )(58977 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 Facsimile or email (by agreement only) on this date.

Signature	/Matthew Anderson/
Name	Matthew Anderson

Date	11/13/2009
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**Mark: THE ENDEAVORS**

**Serial #: 77675265**

**Trademark Trial and Appeal Board,**

**Petition for cancellation of registered mark ENDEAVOR (3089748) on the grounds that it has been abandoned.**

This response is to the 6/6/2009 Final Office Action Refusal for registration of the mark THE ENDEAVORS in favor of the registrant ENDEAVOR due to Likelihood of Confusion.

The refusal of mark THE ENDEAVORS for “musical sound recordings; musical video recordings; entertainment in the nature of live performances by a musical group” in favor of the registrant’s mark ENDEAVOR for “live performances by a musical group” should be withdrawn on the basis of abandonment of the mark, which appears not to be used in association with the services registered.

The mark THE ENDEAVORS has been used continuously in commerce since 2007, including concerts, promotion, CD sales, videos, and web presence ([www.MySpace.com/theendeavorsband](http://www.MySpace.com/theendeavorsband) and [www.theendeavors.com](http://www.theendeavors.com)). However, the mark ENDEAVOR has failed to use its mark since registration in 2006 and is no longer operating in commerce. We share the same local market of Seattle, Washington and a search for their services found no listing of live performances by ENDEAVOR since our use of THE ENDEAVORS in 2007. This includes local and national club and music venue listings in print and on the web including numerous Internet searches over the last 3 years. The websites for ENDEAVOR appear to have been [www.myspace.com/endeavor](http://www.myspace.com/endeavor) and [www.endeavormusic.com](http://www.endeavormusic.com) ; both locations are abandoned and are not operational.

We believe the mark ENDEAVOR has been abandoned and petition that it should be cancelled, allowing our mark THE ENDEAVORS to proceed with registration.

Thank you,

/Matthew Anderson/ (Applicant)

/Stacy Cymes/ (Applicant)