

ESTTA Tracking number: **ESTTA339651**

Filing date: **03/29/2010**

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	Glenn Wansley		
Entity	Individual	Citizenship	UNITED STATES
Address	2144 E. 91 Street Chicago, IL 60617 UNITED STATES		

Attorney information	Howard B. Rockman Howard B. Rockman, P.C. 175 W. Jackson Blvd., Suite 1600 Chicago, IL 60604 UNITED STATES rockmanhb@gmail.com Phone:312-540-7512		
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Registration Subject to Cancellation

Registration No	3657563	Registration date	07/21/2009
Registrant	Grant Christopher M 13112 Tamayo Dr Austin, TX 78729 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2007/01/01 First Use In Commerce: 2007/01/01 All goods and services in the class are cancelled, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Body shirts; Denim jackets; Hooded sweat shirts; Jackets and socks; Long-sleeved shirts; Men's and women's jackets, coats, trousers, vests; Mittens; Moisture-wicking sports shirts; Pique shirts; Polo shirts; Shirts for suits; Short-sleeved or long-sleeved t-shirts; Skull caps; T-shirts

Grounds for Cancellation

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

U.S. Application No.	77766356	Application Date	06/23/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EGO		

Design Mark			
Description of Mark	The mark consists of the word EGO one oval one diagonal line.		
Goods/Services	Class 025. First use: First Use: 1998/00/00 First Use In Commerce: 1998/00/00 Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Sweat shirts; T-shirts		

U.S. Application No.	77766312	Application Date	06/23/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	NO EGO EDGING GOD OUT		
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Design Mark			
Description of Mark	The mark consists of The words No Ego Edging God Out two ovals one horizontal line.		
Goods/Services	Class 025. First use: First Use: 1998/00/00 First Use In Commerce: 1998/00/00 Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Sweat shirts; T-shirts		

Attachments	77766356#TMSN.jpeg (1 page)(bytes) 77766312#TMSN.jpeg (1 page)(bytes) PetitionToCancel.pdf (3 pages)(17182 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	/Howard B. Rockman/
Name	Howard B. Rockman

Date	03/29/2010
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 3657563

For the Mark: NO EGO NO EDGING GOD OUT and Design

Date Registered: July 21, 2009

Glenn Wansley, Petitioner

v.

Christopher Grant, DBA No Ego, Inc., Registrant

PETITION TO CANCEL

Petitioner: Glenn Wansley, an individual, of 2144 E. 91st Street, Chicago, Illinois 60617.

To the best of Petitioner's knowledge, the name and address of the current owner of the registration are: Christopher Grant, dba No Ego, Inc., 13112 Tamayo Drive, Austin Texas 78729.

The above-identified Petitioner believes that he will be damaged by the above-identified registration, and hereby petitions to cancel same.

The grounds for cancellation are as follows:

Petitioner has been using the marks EGO and Design (Exhibit A), and NO EGO EDGING GOD OUT and Design (Exhibit B) continuously since at least as early as 2005, which is at least two year prior to registrant's stated date of first use of January 1, 2007. Petitioner attaches order histories showing sales of goods identified by the marks of Exhibit A or Exhibit B dating to November 2005. Petitioner asserts that he is being

damaged by Registrant's use and registration of the mark shown in Registration 3657563 since such registration is currently cited as a reference by the Trademark Examining Attorney in refusing to register Petitioner's mark in Petitioner's pending applications Ser. Nos. 77/766312 and 77/766356. Since Petitioner has used the marks EGO and Design, and NO EGO EDGING GOD OUT and Design in commerce for several years longer than Registrant has been using the mark, and since Petitioner is being damaged by the existence of Registrant's mark on the Principal Register, Petitioner requests cancellation of Registration No. 3657563.

Respectfully submitted,

/Howard B. Rockman/
Howard B. Rockman
Attorney for Petitioner

Date: 3/29/2010

Howard B. Rockman
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CERTIFICATE OF SERVICE/MAILING

The undersigned hereby certifies that a copy of the foregoing PETITION TO CANCEL was deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to:

Christopher Grant, dba No Ego, Inc.
13112 Tamayo Drive,
Austin Texas 78729

this 29th day of March, 2010.