

ESTTA Tracking number: **ESTTA391461**

Filing date: **02/02/2011**

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	Edgewood Partners Insurance Center		
Entity	Corporation	Citizenship	California
Address	123 Mission St. 26th Floor San Francisco, CA 94105 UNITED STATES		

Attorney information	Scott M. Hervey Weintraub Genshlea Chediak 400 Capitol Mall, 11th Floor Sacramento, CA 95814 UNITED STATES trademarks@weintraub.com Phone:916-558-6000
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Registration Subject to Cancellation

Registration No	3354866	Registration date	12/18/2007
Registrant	Bankers Fidelity Life Insurance Company 4370 Peachtree Road, NE Atlanta, GA 30319 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 2006/08/21 First Use In Commerce: 2006/08/21 All goods and services in the class are cancelled, namely: Insurance services, namely brokerage, underwriting, administration and processing of life insurance, short-term care insurance, payroll insurance and medicare supplement insurance
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Related Proceedings	Ex Parte Appeal of Final Refusal Under Trademark Act Section 2(d) Pending; Serial No.77792557
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Attachments	EPIC Petition to Cancel (1282685).PDF (4 pages)(40278 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	/s/
Name	Scott M. Hervey
Date	02/02/2011



design plus words (“EPIC Mark”) covering “Retail property, casualty workers compensation and employee benefits insurance brokerage; insurance services in the nature of loss control management for others; financial risk management services and claims advocacy in the nature of insurance claims administration, insurance claims processing, insurance administration services, namely, assisting others with adjusting insurance claims.” Petitioner has been using the EPIC mark since at least November 2007.

2. Petitioner desires to register its EPIC Mark trademark with the United States Patent and Trademark Office, but recently learned of a similar mark registered with the United States Patent and Trademark Office by Registrant that the Trademark Examiner assigned to Petitioner’s file believes is likely to create confusion with respect to Registrant’s mark.

3. Registrant is the registered owner of the Registered Mark Registration Number 3354866, covering goods described as: “Insurance services, namely brokerage, underwriting, administration and processing of life insurance, short-term care insurance, payroll insurance and medicare supplement insurance.” Registrant first registered the Registered Mark on December 18, 2007.

Edgewood Partners Insurance Center adv. Bankers Fidelity Life Insurance Company

US Patent and Trademark Office, Trademark Trial and Appeal Board

Cancellation No. _____

PROOF OF SERVICE

I am a citizen of the United States, employed in the City and County of Sacramento, California. My business address is 400 Capitol Mall, Eleventh Floor, Sacramento, California 95814. I am over the age of 18 years and not a party to the within action. On today's date, I caused to be served the following:

PETITION FOR CANCELLATION

I am readily familiar with the firm's practice of collection and processing correspondence for mailing in the ordinary course of business. Under this practice, correspondence is collected, sealed, postage thereon fully prepaid, and deposited the same day with the U. S. Postal Service on the same day.

 x I caused the above documents to be served on the parties in this action by placing them in a sealed envelope in the designated area for outgoing mail, addressed as shown below.

_____ I caused the above documents to be personally delivered to the addressee(s) set forth below.

_____ I caused the above documents to be served on the parties in this action by causing them to be delivered via Federal Express, for next-day delivery to the addressee(s) set forth below.

_____ I caused the above documents to be served on the parties in this action by transmitting them via facsimile to the addressee(s) indicated below.

_____ I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. (Federal)

Bankers Fidelity Life Insurance Company
Attn. Camille M. Miller
4370 Peachtree Road, NE
Atlanta GEORGIA 30319

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 2, 2011, Sacramento, California.

Ernesto Ibarra