

ESTTA Tracking number: **ESTTA421152**

Filing date: **07/21/2011**

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	Run Like a Mother, LLC		
Entity	Limited liability company	Citizenship	Connecticut
Address	188 North Street Ridgefield, CT 06877 UNITED STATES		

Attorney information	Per J. Enfield Alleman Hall McCoy Russell & Tuttle LLP 806 SW Broadway, Suite 600 Portland, OR 97205 UNITED STATES harnett@ahmrt.com, enfield@ahmrt.com, hall@ahmrt.com, gladwin@ahmrt.com Phone:503-459-4141
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**Registration Subject to Cancellation**

Registration No	3976143	Registration date	06/07/2011
Registrant	ABCDEFGF, LLC 10769 Cedar Brook Street Highlands Ranch, CO 80126 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 025. First Use: 2010/04/27 First Use In Commerce: 2010/04/27 All goods and services in the class are cancelled, namely: Shirts
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**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. Registration No.	3764104	Application Date	05/15/2008
Registration Date	03/23/2010	Foreign Priority Date	NONE
Word Mark	RUN LIKE A MOTHER		

Design Mark	<b>Run Like A Mother</b>
Description of Mark	NONE
Goods/Services	Class 021. First use: First Use: 2009/12/03 First Use In Commerce: 2009/12/03 Sports bottles sold empty Class 025. First use: First Use: 2008/05/09 First Use In Commerce: 2009/12/03 Shirts; Hats; Shorts; Headbands; Pants Class 041. First use: First Use: 2008/03/09 First Use In Commerce: 2008/03/09 Organizing sporting events, namely, running races and track and field events

U.S. Application No.	85155404	Application Date	10/18/2010
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	RUN LIKE A MOTHER
Design Mark	<b>RUN LIKE A MOTHER</b>
Description of Mark	NONE
Goods/Services	Class 035. First use: On-line retail store services featuring clothing, jewelry, and books Class 038. First use: Providing an on-line forum for topics related to maintaining an active life during pregnancy and motherhood Class 041. First use: Athletic training services; physical fitness training services; providing assistance, personal training and physical fitness consultation to individuals to help them make physical fitness, strength, conditioning, and exercising improvement in their daily living; providing information in the field of exercise training; sports training services; providing group and personal coaching services in the field of running, fitness, and exercise Class 044. First use:

	Providing healthy lifestyle and nutrition services, namely, consulting services in nutrition for individuals; counseling services in the fields of health, nutrition and lifestyle wellness; providing healthy lifestyle and nutrition services, namely, personal assessments, personalized routines, maintenance schedules, and counseling; and providing a website featuring information about health, wellness and nutrition
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U.S. Application No.	85155406	Application Date	10/18/2010
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	RLAM
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 021. First use: Sports bottles sold empty</p> <p>Class 025. First use: Clothing, namely, shirts, hats, shorts, headbands, and pants</p> <p>Class 035. First use: On-line retail store services featuring clothing, jewelry, and books</p> <p>Class 038. First use: Providing an on-line forum for topics related to maintaining an active life during pregnancy and motherhood</p> <p>Class 041. First use: Organizing sporting events, namely, running races and track and field events; athletic training services; physical fitness training services; providing assistance, personal training and physical fitness consultation to individuals to help them make physical fitness, strength, conditioning, and exercise improvement in their daily living; providing information in the field of exercise training; sports training services; providing group and personal coaching services in the field of running, fitness, and exercising</p> <p>Class 044. First use: Providing healthy lifestyle and nutrition services, namely, consulting services in nutrition for individuals; counseling services in the fields of health, nutrition and lifestyle wellness; providing healthy lifestyle and nutrition services, namely, personal assessments, personalized routines, maintenance schedules, and counseling; and providing a website featuring information about health, wellness and nutrition</p>
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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	/Per J. Enfield/
Name	Per J. Enfield
Date	07/21/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

RUN LIKE A MOTHER, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. _____
	)	
ABCDEFG LLC,	)	
	)	
Registrant.	)	Mark: BIKE LIKE A MOTHER
	)	Registration No. 3,976,143
_____	)	

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Sir:

**PETITION FOR CANCELLATION**

Petitioner, Run Like a Mother, LLC, a Connecticut limited liability company located and doing business at 188 North Street, Ridgefield, Connecticut 06877 (hereinafter “Petitioner”), is and will be damaged by the continued registration by Registrant, ABCDEFG LLC, which on information and belief is a Colorado limited liability company, located and doing business at 10769 Cedar Brook Street, Highlands Ranch, CO 80126 (hereinafter “Registrant”) of the BIKE LIKE A MOTHER mark (the “Registrant’s Mark”), U.S. Reg. No. 3,976,143 (the “Registration”), and therefore petitions to cancel same.

As grounds for this Petition, it is alleged that:

1. Petitioner is a Connecticut limited liability company located and doing business at 188 North Street, Ridgefield, Connecticut 06877.

2. Petitioner has been and continues to be engaged in the business of designing, marketing, manufacturing and distributing sports-related clothing and accessories, providing training services and coaching services in the field of running, fitness, and exercise, and organizing sporting events, such as running races and track and field events.

3. Since at least as early as May 2008, Petitioner has used in interstate commerce the mark RUN LIKE A MOTHER in connection with the sales and promotion of Petitioner's goods and services.

4. Petitioner promotes and sells its goods and services through various channels and distribution networks, including retail stores, on-line distributors, trade fairs, circulars, and other distribution networks.

5. Petitioner has common law rights and United States trademark registrations and applications for the marks RUN LIKE A MOTHER and RLAM ("Petitioner's Marks"):

- a. U.S. Registration No. 3,764,104 for the Mark RUN LIKE A MOTHER in International Classes 21, 25 and 41.
- b. U.S. Application No. 85/155,404 for the Mark RUN LIKE A MOTHER in International Classes 35, 38, 41 and 44.
- c. U.S. Application No. 85/155,406 for the Mark RLAM in International Classes 21, 25, 35, 38 and 41.
- d. In addition to the registration and applications noted above, Petitioner may have common law rights in additional marks, for use in connection with sports clothing and accessories, providing training services and coaching services in the field of running, fitness, and exercise, and organizing sporting events, such

as running races and track and field events, including but not limited to



6. Petitioner's use of the Petitioner's Marks has been valid and continuous since the dates of first use and Petitioner has not abandoned the marks. Petitioner's Marks are symbolic of extensive goodwill and consumer recognition built up by Petitioner through substantial amounts of time and effort in advertising and promotion. Petitioner's Marks identify and distinguish Petitioner's goods and services from the goods and services of others, and identify the source and origin thereof to both the trade and public.

7. Petitioner has promoted and sold its goods and services in interstate commerce under its Petitioner's Marks since prior to any alleged use by Registrant of the mark shown in the Registration.

8. Notwithstanding Petitioner's rights in and to its Petitioner's Marks, Registrant, on July 6, 2010, filed an application for registration of the mark BIKE LIKE A MOTHER for the goods in International Class 025 for shirts. Registrant's application was registered on the Supplemental Register on June 7, 2011 as Registration No. 3,976,143.

9. Registrant's Mark, BIKE LIKE A MOTHER, when used in connection with the goods set for in the Registration, is likely to cause confusion, mistake or deceive consumers in the marketplace as to the source of Registrant's goods.

10. Registrant's recited goods are identical to the goods offered by Petitioner under its Petitioner's Marks, and consumers may be confused as to source of the goods. Further, Registrant's recited goods are closely associated with, and are likely to be encountered in the

same channels of trade as, the services offered by Petitioner in connection with the Petitioner's Marks.

11. The Parties' respective marks both consist of four words and feature a single word followed by the identical wording LIKE A MOTHER. The phrase LIKE A MOTHER dominates the marks and creates an association as to the source of the goods such marks are used in connection with.

12. Registrant's application was filed after the filing date of Petitioner's Application Serial No. 77/476,131 (Reg. No. 3,764,104).

13. Registrant's date of first use of the Registered Mark is subsequent to Petitioner's first use of at least some of the Petitioner's Marks.

14. Registrant's mark BIKE LIKE A MOTHER, when used in connection with the goods set forth in its registration, is confusingly similar to Petitioner's use of its Marks for RUN LIKE A MOTHER and RLAM. Continued registration of Registrant's mark and use by it for its goods in the U.S. is likely to cause confusion, mistake and deception among consumers. Continued use and registration of Registrant's mark will damage the goodwill and consumer recognition that Petitioner has built up in its Petitioner's Marks because consumers are likely to mistakenly believe that goods sold under the Registered Mark originate from, or are somehow sponsored or affiliated with, Petitioner.

WHEREFORE, Petitioner believes that it will be damaged by continues registration of Registrant's mark, and prays that registration be cancelled.

Petitioner authorizes the Commissioner for Trademarks to charge the fee for filing this Petition for Cancellation, or any other additional fees that may be due, to deposit account 503397.

DATED this 21 day of July, 2011.

Respectfully submitted,  
Alleman Hall McCoy Russell & Tuttle LLP



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Per J. Enfield  
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Portland, Oregon 97205  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PETITION FOR CANCELLATION was serviced by First Class Mail upon Registrant at the address of record below on this 21 day of July, 2011.

Thomas P. Walsh, III  
Walsh IP Law  
695 S. Colorado Blvd., Suite 360  
Denver, CO 80246-8094



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Per J. Enfield  
Attorney for Petitioner