

ESTTA Tracking number: **ESTTA425376**

Filing date: **08/16/2011**

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	Madrona Concepts LLC		
Entity	Limited Liability Company	Citizenship	Washington
Address	P.O. Box 494 Medina, WA 98039 UNITED STATES		

Attorney information	Lynne E. Graybeal Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101 UNITED STATES pctrademarks@perkinscoie.com Phone:2063598000		
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Registration Subject to Cancellation

Registration No	3066562	Registration date	03/07/2006
Registrant	Summit Sports Worldwide Co., Ltd. c/o Vast Point Management Limited Box 71 Craigmur Chambers Road Town Tortola, VIRGIN ISLANDS, BRITISH		

Goods/Services Subject to Cancellation

Class 028. First Use: 2005/03/08 First Use In Commerce: 2005/04/25 All goods and services in the class are cancelled, namely: GOLF CLUB HEADS
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	INNOVAX Cancellation.PDF (6 pages)(243269 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	/Lynne E. Graybeal/
Name	Lynne E. Graybeal
Date	08/16/2011

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

MADRONA CONCEPTS LLC,

Petitioner,

v.

SUMMIT SPORTS WORLDWIDE CO.,
LTD.,

Registrant.

Cancellation No.:

PETITION FOR CANCELLATION

Registration No.: 3,066,562

Registration Date: March 7, 2006

Madrona Concepts LLC ("Petitioner") believes that it will be damaged by the continued registration by Summit Sports Worldwide Co., Ltd. ("Registrant") of the mark INNOVAX ("Registrant's Mark") for use in connection with those goods and services listed in Class 28 ("Registrant's Goods") in Registration No. 3,066, 562 (the "Registration"), and hereby petitions to cancel the Registration. As grounds for its opposition, Petitioner alleges as follows:

I. PARTIES

1. Petitioner is a Washington limited liability company, having a place of business in Seattle, Washington.
2. On information and belief, Registrant is a Taiwanese company, having a place of business in Tortola, British Virgin Islands.
3. Registrant's domestic representative of record for the Registration is Michael J. MacDermott of Christie, Parker & Hale, LLP, whose address is listed as P.O. Box 7068, Pasadena, California, 91109 on the Registration.

II. PETITIONER'S MARK

4. Petitioner provides or has a bona fide intent to provide, and has applied to register, the mark INNOVEX ("Petitioner's Mark"), for wholesale and retail store services and on-line retail and wholesale store services featuring clothing and sporting equipment ("Petitioner's Services"), which are listed in Petitioner's U.S. Trademark Application No.

85/300,447 ("Petitioner's Application"). The TARR record for Petitioner's Application is attached.

5. Registrant's Mark was cited as a bar to registration of Petitioner's Mark in an Office Action issued by the U.S. Patent & Trademark Office on August 10, 2011.

III. REGISTRANT'S MARK

6. The Registration resulted from an application filed on August 4, 2003 pursuant to Section 1 of the Lanham Act, 15 U.S.C. § 1051(b).
7. On October 12, 2004, the application that matured into the Registration was published for opposition.
8. The Certificate of Registration for Registrant's Mark was issued on March 7, 2006.

IV. CLAIM

A. ABANDONMENT

9. On information and belief, Registrant is not currently using Registrant's Mark in commerce with Registrant's Goods.
10. On information and belief, Registrant has not used Registrant's Mark in commerce with the Registrant's Goods for at least three consecutive years prior to August 16, 2011 (the "Petition Filing Date").
11. On information and belief, Registrant has no plan to resume use of Registrant's Mark in commerce with Registrant's Goods as of the Petition Filing Date.
12. Registrant has abandoned Registrant's Mark for Registrant's Goods.

V. PETITIONER HAS STANDING TO SEEK THE REMEDIES REQUESTED

13. Petitioner is likely to be damaged by continued registration of Registrant's Mark because Petitioner is unable to register Petitioner's Mark for Petitioner's Services and is thus denied the benefits afforded by registration of Petitioner's Mark.

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner requests that Registration No. 3,066,562 be cancelled.

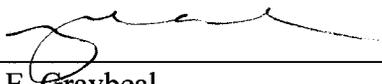
VII. FEES

Please charge Petitioner's deposit account No. 0502278 for the \$300 fee for this cancellation petition.

DATED: August 16, 2011

Respectfully submitted,

PERKINS COIE LLP

By: 
Lynne E. Graybeal
Makalika D. Naholowaa
Attorneys for Petitioner
1201 Third Avenue, 48th Floor
Seattle, Washington 98101-3099
(206) 359-8000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on August 16, 2011, in an envelope addressed to Michael J. MacDermott, Christie, Parker & Hale, LLP, P.O. Box 7068, Pasadena, CA 91109-7068.

Signature:



Printed Name: DANA D. PHILLIPS

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-08-16 13:43:35 ET

Serial Number: 85300447 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

INNOVEX

(words only): INNOVEX

Standard Character claim: Yes

Current Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2011-08-10

Filing Date: 2011-04-20

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:
TAYLOR DAVID T

Current Location: M3X -TMO Law Office 112 - Examining Attorney Assigned

Date In Location: 2011-08-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Madrona Concepts LLC

Address:

Madrona Concepts LLC
PO Box 494
Medina, WA 98039
United States

Legal Entity Type: Limited Liability Company**State or Country Where Organized:** Washington

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Wholesale and retail store services and on-line retail and wholesale store services featuring clothing and sporting equipment

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-08-10 - Notification Of Non-Final Action E-Mailed

2011-08-10 - Non-final action e-mailed

2011-08-10 - Non-Final Action Written

2011-07-25 - Assigned To Examiner

2011-04-25 - New Application Office Supplied Data Entered In Tram

2011-04-23 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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