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Filing date: **08/19/2011**

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	5967 Ventures, LLC		
Entity	Corporation	Citizenship	Delaware
Address	250 Stephenson Highway Troy, MI 48083 UNITED STATES		

Attorney information	Jennifer Sheehan Anderson Honigman Miller Schwartz and Cohn LLP 39400 Woodward Avenue Suite 101 Bloomfield Hills, MI 48304-5151 UNITED STATES TMdocketing@honigman.com Phone:734-418-4278
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Registrations Subject to Cancellation

Registration No	3449742	Registration date	06/17/2008
International Registration No.	NONE	International Registration Date	NONE
Registrant	Landesbank Baden-Württemberg 2, Am Hauptbahnhof, 70173 Stuttgart GERMANY		

Goods/Services Subject to Cancellation

Class 036. All goods and services in the class are cancelled, namely: Financial affairs in the nature of financial and investment services, namely, management and brokerage in the fields of stocks, bonds, options, commodities, futures and other securities, and the investment of funds of others; financial affairs in the nature of financial investment in the field of funds, equities, equity-like transferable securities, participation certificates, bonds, mortgage bonds, securities, derivatives, regulated market instruments, over the counter instruments, money market instruments; financial affairs in the nature of financial portfolio management; financial analysis and consultation; financial information provided by electronic means; financial consultancy; mutual funds investment and brokerage; capital investment consultation and capital investment services; financial management; brokerage of shares or stocks and other securities and investment funds; investment brokerage; business finance procurement services featuring capital investments and shareholdings
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)		
Registration No	3767557	Registration date	03/30/2010
International Registration No.	NONE	International Registration Date	NONE

Registrant	Landesbank Baden-Württemberg 2, Am Hauptbahnhof 70173 Stuttgart GERMANY
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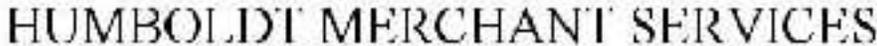
Goods/Services Subject to Cancellation

Class 036. All goods and services in the class are cancelled, namely: Financial affairs; monetary affairs; financial analysis; financial information; financial consultancy; mutual funds; capital investments; management/administration of funds; financial management; financial services for the issuance of shares of investment funds and securities; brokerage, procurement of capital investments and shareholdings
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Grounds for Cancellation

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

U.S. Application No.	77967347	Application Date	03/24/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HUMBOLDT MERCHANT SERVICES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Financial records management; providing information and analysis by electronic means in connection with marketing data</p> <p>Class 036. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Broad based financial services, namely, credit card and debit card services; charge card transaction processing services; banking services; electronic credit and debit transaction processing; point of sale and point of transaction services, namely, electronic cash, credit card, and debit card transaction, authorization, and debt settlement services; credit card and debit card verification; payment transaction authentication and verification services in the nature of credit card and debit card verification services; facilitating person-to-person payment services through electronic means via a global computer network, namely, bill payment services; electronic funds transfer; providing financial information, namely credit and debit card data and reports; providing financial information by means of a secure information computer network; providing a wide range of financial information and financial analysis by electronic means in connection</p>		

	with credit cards, debit cards and other payment cards, credit cardholder spending and fraud, financial risk management, terminated credit cards of merchants and reporting of charge backs on credit cards
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Attachments	77967347#TMSN.jpeg (1 page)(bytes) Petition to Cancel Humboldt Multi Invest.pdf (8 pages)(22004 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 Overnight Courier on this date.

Signature	/Jennifer Sheehan Anderson/
Name	Jennifer Sheehan Anderson
Date	08/19/2011

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

5967 Ventures, LLC

Petitioner,

Cancellation No. _____

v.

Registration Nos. 3449742 and 3767557

Landesbank Baden-Württemberg,
Registrant.

Dates of Issue: June 6, 17, 2008 and March
30, 2010

Subject Marks: HUMBOLDT MULTI
INVEST and HUMBOLDT MULTI
INVEST & Design

_____/

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PETITION FOR CANCELLATION

Petitioner, 5967 Ventures, LLC, a corporation organized under the laws of the state of Delaware located at 250 Stephenson Highway, Troy, Michigan 48083 believes that it will be damaged by the continued existence of Registration Nos. 3449742 for the mark HUMBOLDT MULTI INVEST issued June 17, 2008 and 3767557 for the mark HUMBOLDT MULTI

INVEST & Design issued March 30, 2010 (herein referred to as “HUMBOLDT MULTI Marks”) registered to Landesbank Baden-Württemberg, a corporation organized under the laws of Germany located at 2, Am Hauptbahnhof 70173 Stuttgart, Federal Republic Germany, and therefore petitions to cancel these registrations.

As grounds for cancellation, Petitioner, by its attorneys Honigman Schwartz and Cohn LLP, alleges that:

1. Since 1993, Petitioner has been using the term “HUMBOLDT” in connection with a variety of financial services.

2. From 1993-2003, Petitioner used the mark HUMBOLDT BANK MERCHANT SERVICES for a variety of financial services.

3. In 2003, Petitioner began using the mark HUMBOLDT MERCHANT SERVICES for a variety of financial services.

4. Petitioner’s use of the term “HUMBOLDT” has been valid and continuous since 1993 and has not been abandoned.

5. Petitioner is the owner of pending U.S. Trademark Application No. 77967347 to register the mark HUMBOLDT MERCHANT SERVICES for financial records management; providing information and analysis by electronic means in connection with marketing data; and Broad based financial services, namely, credit card and debit card services; charge card

transaction processing services; banking services; electronic credit and debit transaction processing; point of sale and point of transaction services, namely, electronic cash, credit card, and debit card transaction, authorization, and debt settlement services; credit card and debit card verification; payment transaction authentication and verification services in the nature of credit card and debit card verification services; facilitating person-to-person payment services through electronic means via a global computer network, namely, bill payment services; electronic funds transfer; providing financial information, namely credit and debit card data and reports; providing financial information by means of a secure information computer network; providing a wide range of financial information and financial analysis by electronic means in connection with credit cards, debit cards and other payment cards, credit cardholder spending and fraud, financial risk management, terminated credit cards of merchants and reporting of charge backs on credit cards.

6. Registrant is the owner of U.S. Registration No. 3449742 for the mark HUMBOLDT MULTI INVEST filed on April 3, 2007 under §66(a) based on International Registration No.0925933 for financial affairs in the nature of financial and investment services, namely, management and brokerage in the fields of stocks, bonds, options, commodities, futures and other securities, and the investment of funds of others; financial affairs in the nature of financial investment in the field of funds, equities, equity-like transferable securities, participation certificates, bonds, mortgage bonds, securities, derivatives, regulated market instruments, over the counter instruments, money market instruments; financial affairs in the nature of financial portfolio management; financial analysis and consultation; financial information provided by electronic means; financial consultancy; mutual funds investment and

brokerage; capital investment consultation and capital investment services; financial management; brokerage of shares or stocks and other securities and investment funds; investment brokerage; business finance procurement services featuring capital investments and shareholdings.

7. Registrant is the owner of U.S. Registration No. 3767557 for the mark HUMBOLDT MULTI INVEST & Design filed on July 2, 2008 under §66(a) based on International Registration No. 0979429 for financial affairs; monetary affairs; financial analysis; financial information; financial consultancy; mutual funds; capital investments; management/administration of funds; financial management; financial services for the issuance of shares of investment funds and securities; brokerage, procurement of capital investments and shareholdings.

8. Petitioner adopted and began using its mark HUMBOLDT MERCHANT SERVICES long prior to Registrant's claimed date of Section 67 Priority of November 7, 2006 and U.S. application date of April 3, 2007 for U.S. Registration No. 3449742.

9. Petitioner adopted and began using its mark HUMBOLDT MERCHANT SERVICES long prior to Registrant's claimed date of Section 67 Priority of January 2, 2008 and U.S. application date of July 2, 2008 for U.S. Registration No. 3767557.

**Grounds
Priority and Likelihood of Confusion**

10. Petitioner hereby incorporates by reference the allegations of paragraphs 1-9 herein as if fully set forth herein.

11. As a result of Petitioner's long-standing and extensive use of its HUMBOLDT BANK MERCHANT SERVICES and HUMBOLDT MERCHANT SERVICES marks (collectively "HUMBOLDT Marks") in this country since 1993, Petitioner's HUMBOLDT Marks are symbolic of the extensive good will and customer recognition established by Petitioner by virtue of the expenditure of substantial amounts of time and effort in advertising and promoting its services under its trademarks. The HUMBOLDT Marks thus identifies Petitioner and its services.

12. Petitioner's HUMBOLDT MERCHANT SERVICES mark is famous and distinctive within the meaning of 15 U.S.C. §1125(c) in that:

- a) the mark possesses inherent and acquired distinctiveness;
- b) Petitioner has made extensive use and exclusive use of the HUMBOLDT MERCHANT SERVICES mark for an extended period of time.
- c) Petitioner has promoted the services under the HUMBOLDT MERCHANT SERVICES mark throughout the United States.
- d) Petitioner has used, and is currently using the HUMBOLDT MERCHANT SERVICES mark throughout the United States;

e) Petitioner is currently providing services under the HUMBOLDT MERCHANT SERVICES mark;

f) Petitioner has cultivated a high degree of recognition of the HUMBOLDT MERCHANT SERVICES mark in the trading areas and channels of trade in which both parties do business; and

g) on information and belief, there is no significant third party use of the HUMBOLDT mark or phonetic equivalents therefor for financial services.

13. Registrant's HUMBOLDT MULTI Marks are similar in sight, sound, meaning and commercial impression to Petitioner's HUMBOLDT Marks.

14. Registrant's HUMBOLDT MULTI Marks, when used in connection with Registrant's services so resembles Petitioner's previously used HUMBOLDT Marks as to be likely to cause confusion, mistake, and/or to deceive consumers concerning an affiliation, connection, association or sponsorship with the source of services sold under the HUMBOLDT Marks, in violation of 15 U.S.C. § 1052(d), with consequent injury to Petitioner, the public and the trade.

15. Petitioner will be damaged by Registrant's HUMBOLDT MULTI Marks because the marks so resemble Petitioner's HUMBOLDT Marks previously used in the United States, and not abandoned, as to be likely to cause customer confusion, mistake and deception, particularly in view of the high degree of similarity of the respective marks and closely related nature of the respective parties' goods and/or services. Persons familiar with

Petitioner's HUMBOLDT Marks would be likely to believe erroneously that Registrant's services are offered by Petitioner or endorsed and sponsored by Petitioner; and continued existence of Registrant's registrations for the HUMBOLDT MULTI Marks on the Principal Register would be inconsistent with Petitioner's common law rights in its HUMBOLDT Marks.

Wherefore, Petitioner respectfully requests that Registration Nos. 3449742 and 3767557 be cancelled.

Respectfully submitted,

Dated: August 19, 2011

By: /Jennifer Sheehan Anderson/
Jennifer Sheehan Anderson

CERTIFICATE OF TRANSMITTAL

I hereby certify that on August 19, 2011, the foregoing document was electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA).

By: /Jennifer Sheehan Anderson/
Jennifer Sheehan Anderson

CERTIFICATE OF SERVICE

I certify that on August 19, 2011, I caused a copy of the foregoing Petition for Cancellation to be served via Federal Express, postage prepaid, to:

Landesbank Baden-Württemberg
2, Am Hauptbahnhof 70173 Stuttgart
Fed Rep Germany

and

TaylorWessing
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40212 Dusseldorf
Germany

and First Class, postage prepaid to:

Virginia Wolk
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago IL 60610

and

Michael T. Murphy
K & L Gates
1601 K Street, NW
Washington DC, 20006-1600

By: /Jennifer Sheehan Anderson/
Jennifer Sheehan Anderson