

ESTTA Tracking number: **ESTTA444318**

Filing date: **12/02/2011**

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	Taylor Search Partners, LLC		
Entity	Limited liability company	Citizenship	Ohio
Address	8000 Ravines Edge Court Columbus, OH 43235 UNITED STATES		

Attorney information	Stephen C. Barsotti Kegler Brown Hill & Ritter Co., LPA 65 East State Street Suite 1800 Columbus, OH 43215 UNITED STATES trademarks@keglerbrown.com Phone:(614) 462-5400		
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**Registration Subject to Cancellation**

Registration No	3922465	Registration date	02/22/2011
Registrant	Taylor, Rachael A. 1013 Hickory Park Street Las Vegas, NV 89138 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 035. First Use: 2010/05/12 First Use In Commerce: 2010/05/12 All goods and services in the class are cancelled, namely: Professional staffing and recruiting services
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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.	85045330	Application Date	05/21/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TAYLOR SEARCH PARTNERS		

Design Mark	TAYLOR SEARCH PARTNERS
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2001/06/01 First Use In Commerce: 2001/06/01 Personnel placement and recruitment

Attachments	85045330#TMSN.jpeg ( 1 page )( bytes ) Petition To Cancel TAYLOR MEDICAL STAFFING.pdf ( 5 pages )(16823 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	/Stephen C. Barsotti/
Name	Stephen C. Barsotti
Date	12/02/2011

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

In the Matter of Registration Number 3922465  
Registered on February 22, 2011

_____		
<b>TAYLOR SEARCH PARTNERS, LLC</b>	)	
	)	
Plaintiff,	)	Cancellation Number _____
	)	
v.	)	
	)	
<b>RACHAEL A. TAYLOR</b>	)	
	)	
Defendant.	)	
_____		

Commissioner for Trademarks  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**PETITION TO CANCEL**

Plaintiff Taylor Search Partners, LLC hereby files this Petition To Cancel pursuant to 37 C.F.R. § 2.111 (b). Plaintiff has been refused registration of its marks TAYLOR SEARCH PARTNERS, Application No. 85/045,330; TAYLOR STRATEGY PARTNERS, Application No. 85/101,710; and TSP TAYLOR STRATEGY PARTNERS (and Design), Application No. 85/127506 because of Defendant’s Registration No. 3922465 for TAYLOR MEDICAL STAFFING (and Design with Color). If, as the trademark examining attorney contends, Plaintiff’s mark so resembles Defendant’s marks as to be likely, when applied to the goods and/or services of the Plaintiff, to cause confusion, then the Defendant’s registration should be cancelled because Plaintiff has priority of use. As provided by 15 U.S.C. §§ 1052(d), Section

2(d) of the Act, and all other applicable authority, and predicated on the following grounds, Plaintiff alleges as follows in cancellation of Registration No. 3922465:

### **PARTIES**

1. Rachael A. Taylor (“Defendant”) is an individual of the United States with a principal address at 1013 Hickory Park Street, Las Vegas, Nevada 89138.
2. Taylor Search Partners, LLC (“Plaintiff”) is an Ohio limited liability company with its principal place of business at 8000 Ravines Edge Court, Columbus, Ohio 43235.
3. Plaintiff was formed in the State of Ohio as of December 11, 2000.
4. Plaintiff has provided recruitment and personnel placement services since June 1, 2001.
5. Since June 1, 2001, Plaintiff has used the mark TAYLOR SEARCH PARTNERS (Application Serial No. 85/045,330) in commerce for “recruitment and personnel placement services,” in International Class 35.
6. Rachael Taylor is the owner of TAYLOR MEDICAL STAFFING (and Design with Color) Registration No. 3922465 for “professional staffing and recruiting services,” in International Class 35.
7. Rachael Taylor claims to have first begun using the TAYLOR MEDICAL STAFFING (and Design with Color) mark in commerce on May 12, 2010.

### **GROUND FOR CANCELLATION**

8. On May 21, 2010, Plaintiff filed an application on a use basis to register the mark “TAYLOR SEARCH PARTNERS” in connection with “personnel placement and recruitment” in International Class 35.

9. On September 15, 2010, Plaintiff received an Office Action requesting a disclaimer of SEARCH PARTNERS apart from the mark as shown for Plaintiff's application for TAYLOR SEARCH PARTNERS, Serial No. 85/045,330.
10. On December 2, 2010, Plaintiff received a Suspension Notice pending the disposition of Defendant's application Serial No. 85/039349 for TAYLOR MEDICAL STAFFING (and Design with Color).
11. On February 22, 2011, Defendant's TAYLOR MEDICAL STAFFING (and Design with Color) registered under Registration No. 3922465.
12. Subsequently, Plaintiff's applications have been refused registration under Section 2(d) citing Defendant's registered mark TAYLOR MEDICAL STAFFING (and Design with Color) Registration No. 3922465, as the basis for likelihood of confusion on the part of the consumer as to the source of the goods and services.
13. Plaintiff is now and has been continuously using the mark TAYLOR SEARCH PARTNERS in interstate commerce since June 1, 2001, for personnel placement and recruitment services in International Class 35.
14. Plaintiff has obtained and built up extensive goodwill and consumer recognition in its TAYLOR SEARCH PARTNERS mark through substantial amounts of time and effort in advertising and promotion.
15. Rachael A. Taylor's date of first use in commerce of TAYLOR MEDICAL STAFFING (and Design with Color) for "professional staffing and recruiting services," in International Class 35 is May 12, 2010.

16. For these reasons, Plaintiff expressly alleges and asserts that registration of the mark TAYLOR MEDICAL STAFFING (and Design with Color) by Defendant for the referenced goods would be and is inconsistent with the standards for registration set forth in 15 U.S.C. §§ 1052(d), and other applicable authority.

**WHEREFORE**, Plaintiff respectfully requests that this Petition To Cancel be sustained and that registration of Defendant's mark TAYLOR MEDICAL STAFFING (and Design with Color), subject of Registration No. 3922465 be cancelled.

In accordance with 37 C.F.R. § 2.6(a)(17), the governmental filing fees of \$300.00 per Petitioner has been submitted herewith.

Respectfully Submitted,

/Stephen C. Barsotti/  
Stephen C. Barsotti  
Robert G. Schuler  
KEGLER, BROWN, HILL & RITTER CO., LPA  
A Legal Professional Association  
65 East State St., Suite 1800  
Columbus, OH 43215  
Telephone: (614) 462-5400  
**Attorneys for Petitioner**

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served upon the Rachael A. Taylor by U.S. mail on the 2<sup>nd</sup> day of December, 2011:

Rachael A. Taylor  
1013 Hickory Park Street  
Las Vegas, Nevada 89138

/Stephen C. Barsotti/  
Stephen C. Barsotti

**CERTIFICATE OF TRANSMITTAL**

I hereby certify that this correspondence is being electronically filed through the ESTTA System on the United States Patent and Trademark Office website on December 2, 2011.

/Phyllis-J. Frashier/  
Phyllis-J. Frashier  
Intellectual Property Paralegal