

ESTTA Tracking number: **ESTTA458360**

Filing date: **02/24/2012**

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

Proceeding	92055222
Party	Plaintiff Game Sportswear, Ltd.
Correspondence Address	THOMAS A GALLAGHER GALLAGHER INTELLECTUAL PROPERTY LAW 107 BARCLAY DRIVE STAMFORD, CT 06903 UNITED STATES tomgallagher@me.com
Submission	Other Motions/Papers
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Date	02/24/2012
Attachments	Service-on-Owner.pdf (3 pages)(76716 bytes)

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

In the matter of trademark Registration No.: **3147217**

For the mark: G GAMEWEAR TEAM SPORTS

Registered: **September 26, 2006**

Game Sportswear, Ltd.,)
 Petitioner)
)
 v.)
)
Gamewear Team Sports,)
 Registrant)

PETITION TO CANCEL

Petitioner, Game Sportswear, Ltd., is a corporation existing under the laws of the State of New York having an address of 1401 Front Street, Yorktown Heights, NY 10598.

To the best of Petitioner's knowledge, the name and address of the current owner of the registration is Gamewear Team Sports, Inc., is a corporation existing under the laws of the State of Florida having an address of 5400 S. University Drive, Suite 104, Davie, FL 33328.

The above-identified Petitioner believes that it will be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner is now and has been for many years engaged in the sale of clothing, namely sports jackets, sweat suits, various athletic wear and sportswear.
2. Petitioner is now and has been using the mark G GAME SPORTSWEAR on such goods since at least as early as 1992.
3. Petitioner is also the owner of U.S. Trademark Registrations number 2,374,092 and number 3,487,044 for the mark G GAME SPORTSWEAR in International Class 25.

4. By virtue of Petitioner's efforts, and the expenditure of considerable time and money for promotional activities, the public has come to recognize G GAME SPORTSWEAR as exclusively indicating Petitioner as a source of such goods.
5. In an effort to naturally expand Petitioner's brand recognition. Petitioner has filed application serial number 77126502 for GAME and Design, being the same design as the specimens submitted in Registrations number 2,374,092 and number 3,487,044 and has filed application serial number 77126522 which is similar to serial number 77126502.
6. The goods listed in the Registrant's registration are similar to and overlap with the goods sold by the Petitioner.
7. Petitioner has recently received mis-directed telephone calls. Actual confusion now exists.
8. Petitioner's first use of the mark G GAME SPORTSWEAR predates Registrant's application date and Registrant's first use of the mark G GAMEWEAR TEAM SPORTS.
9. On information and belief, Registrant is no longer using the mark but has adopted a new mark G GAME WEAR.
10. Based upon the foregoing, Registration No. 3147217 will cause injury and damage to the Petitioner, and cancellation of the registration is requested.

/tag/

By: _____
Thomas A. Gallagher
Gallagher Intellectual Property Law
Attorney for Petitioner

107 Barclay Drive
Stamford, CT 06903

203-329-9898

CERTIFICATE OF SERVICE ON ATTORNEYS FOR REGISTRANT

I hereby certify that a true copy of the above PETITION FOR CANCELTATION was served by CERTIFIED MAIL RETURN RECEIPT REQUESTED on FEBRUARY 24, 2012 addressed to:

GAMEWEAR TEAM SPORTS INC
5400 S UNIVERSITY DRIVE SUITE 104
DAVIE FL 33328

/tag/

By: _____
Thomas A. Gallagher
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Attorney for Petitioner

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