

ESTTA Tracking number: **ESTTA461846**

Filing date: **03/15/2012**

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	ZEROIN MEDIA LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	244 Madison Avenue Suite 244 New York, NY 10016 UNITED STATES		

Attorney information	Susan Okin Goldsmith SorinRoyerCooper LLC Two Tower Center Boulevard 24th floor East Brunswick, NJ 08816 UNITED STATES sgoldsmith@sorinroyercooper.com Phone:732-737-7530
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Registration Subject to Cancellation

Registration No	3762501	Registration date	03/23/2010
Registrant	Ground Zero Advertising, Inc. 4235 Redwood Avenue Los Angeles, CA 90066 UNITED STATES		

Goods/Services Subject to Cancellation

<p>Class 035. First Use: 2009/02/00 First Use In Commerce: 2009/02/00 All goods and services in the class are cancelled, namely: MARKET RESEARCH SERVICES FOR BUSINESSES; BUSINESS CONSULTANCY; BRAND MANAGEMENT SERVICES; BUSINESS RESEARCH; MEDIA BUYING SERVICES FOR OTHERS, NAMELY, PROVIDING CONSULTING SERVICES IN THE FIELD OF FACILITATING THE PLANNING, BUYING, AND SELLING OF MEDIA; PRODUCT MERCHANDISING AND MARKETING CONSULTANCY; PROMOTIONAL AND PUBLICITY SERVICES, NAMELY, PROVIDING CUSTOMIZED ADVERTISING SERVICES AND MARKETING SERVICES, NAMELY, PROMOTING THE GOODS, SERVICES, AND BRAND IMAGE OF OTHERS VIA THE PRESENTATION OF TELEVISION, THEATRICAL, RADIO, PRINT, INTERNET, AND ON-LINE ADVERTISING; PUBLIC RELATION SERVICES; CONSULTANCY IN THE FIELD OF MARKET RESEARCH, BRAND MANAGEMENT, BUSINESS MANAGEMENT, BUSINESS RESEARCH, ADVERTISING, MEDIA BUYING, AND PUBLIC RELATIONS AND ADVISORY SERVICES PROVIDED IN CONNECTION WITH ALL OF THE FOREGOING; MEDIA-SUPPORT SERVICES, NAMELY, CREATIVE AND STRATEGIC CONSULTATION REGARDING THE DEVELOPMENT AND PRODUCTION OF ADVERTISING AND PROMOTIONAL CAMPAIGNS FOR OTHERS, DEVELOPMENT AND PRODUCTION OF AUDIO/VIDEO CONTENT FOR ADVERTISING AND PROMOTIONAL CAMPAIGNS FOR OTHERS</p>

Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85501724	Application Date	12/22/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ZERO-IN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/04/01 First Use In Commerce: 2005/04/01 Media players; computer hardware and computer software for media players, namely, software for playing video and audio recordings, and to manage electronic displays and/or phone systems in retail stores, offices, health care facilities, educational institutions, shopping areas and/or public spaces		

U.S. Application No.	85502037	Application Date	12/22/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ZERO-IN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2005/04/01 First Use In Commerce: 2005/04/01 Development, operation and administration of digital signage systems and digital advertising systems for others, namely, providing advertising space by electronic means and the internet; technical consulting services in the field of digital signage; development, operation and administration of audio-visual systems for businesses, namely, hold music and in-store music; content management		

	system for retailers, namely in-store announcements, displays and music; promoting and marketing the goods and services of others by distributing advertising material, coupons and discount offers via text and/or electronic messages; preparing advertising for others; advertising, promotion, and marketing services in the nature of providing background music and store announcements, advertising and commercials for retail stores; advertising, marketing and promoting the goods and services of others using kiosks
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U.S. Application No.	85502042	Application Date	12/22/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ZERO-IN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 2005/04/01 First Use In Commerce: 2005/04/01 Installation and maintenance of digital signage and audio visual products sold or licensed therewith; installation and maintenance of background music systems and phone hold music systems; installation and maintenance of store kiosks		

U.S. Application No.	85502045	Application Date	12/22/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ZERO-IN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2005/04/01 First Use In Commerce: 2005/04/01 Transmission and distribution of data, graphics and audiovisual recordings and images via a global computer network or the internet; telecommunication services, namely, transmission of voice, data, graphics, images, audio and video		

	by means of the internet
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Attachments	85501724#TMSN.jpeg (1 page)(bytes) 85502037#TMSN.jpeg (1 page)(bytes) 85502042#TMSN.jpeg (1 page)(bytes) 85502045#TMSN.jpeg (1 page)(bytes) ZERO0IN Petition for Cancellation 00046264.pdf (6 pages)(16898 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	/Susan Goldsmith/
Name	Susan Okin Goldsmith
Date	03/15/2012

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

In the matter of Trademark Registration No. 3762501
Filed: May 12, 2009
For the Mark: ZERO IN
Date Registered: March 23, 2010

ZEROIN MEDIA LLC	:	
	:	
Petitioner,	:	
	:	
	:	Cancellation No.: To be assigned
v.	:	
	:	
GROUND ZERO ADVERTISING, INC.	:	
	:	
Registrant.	:	

PETITION TO CANCEL

Petitioner, ZEROIN MEDIA LLC, a limited liability company of the State of Delaware having an address at Suite 244, 244 Madison Avenue, New York, New York 10016 (“Petitioner”), believes that it will be damaged by the continued registration of the trademark ZERO IN for the services shown in Registration No. 3762501, and hereby petitions to cancel registration of the same by GROUND ZERO ADVERTISING, INC. (“Registrant”). To the best of Petitioner’s knowledge, the name and address of the current owner of the registration are Ground Zero Advertising, Inc. 4235 Redwood Avenue, Los Angeles, California 90066.

As grounds for the cancellation, Petitioner, through its counsel, alleges that:

1. Petitioner owns Application Serial Number Nos. 85/501724, 85/502037, 85/502042 and 85/502045 for the mark ZERO-IN on the Principal Register of the United States Patent and Trademark Office, which cover the following:

MARK	SERIAL NO	FILE DATE	CL	GOODS OR SERVICES
ZERO-IN	85501724	12/22/2011	9	Media players; computer hardware and computer software for media players, namely, software for playing video and audio recordings, and to manage electronic displays and/or phone systems in retail stores, offices, health care facilities, educational institutions, shopping areas and/or public spaces
ZERO-IN	85502037	12/22/2011	35	Development, operation and administration of digital signage systems and digital advertising systems for others, namely, providing advertising space by electronic means and the internet; technical consulting services in the field of digital signage; development, operation and administration of audio-visual systems for businesses, namely, hold music and in-store music; content management system for retailers, namely in-store announcements, displays and music; promoting and marketing the goods and services of others by distributing advertising material, coupons and discount offers via text and/or electronic messages; preparing advertising for others; advertising, promotion, and marketing services in the nature of providing background music and store announcements, advertising and commercials for retail stores; advertising, marketing and promoting the goods and services of others using kiosks
ZERO-IN	85502042	12/22/2011	37	Installation and maintenance of digital signage and audio visual products sold or licensed therewith; installation and maintenance of background music systems and phone hold music systems; installation and maintenance of store kiosks
ZERO-IN	85502045	12/22/2011	38	Transmission and distribution of data, graphics and audiovisual recordings and images via a global computer network or the internet; telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of the internet

2. Use of the ZERO-IN mark by Petitioner, with respect to the goods and services listed above, commenced at least as early as April 1, 2005, and the ZERO-IN mark of Petitioner is now in use.

3. Use of the ZERO-IN mark in the United States has been made directly by Petitioner.

4. Petitioner's goods and services sold under the mark ZERO- IN have been widely sold and provided, and the mark has acquired substantial goodwill in the United States.

5. The goods and related services provided under the ZERO-IN mark are currently being offered for sale to customers in the United States through the Petitioner's website, and in other ways customary in the trade.

6. Registrant owns a registration of the mark ZERO IN for the following services in Class 35: "Market research services for businesses; business consultancy; brand management services; business research; media buying services for others, namely, providing consulting services in the field of facilitating the planning, buying, and selling of media; product merchandising and marketing consultancy; promotional and publicity services, namely, providing customized advertising services and marketing services, namely, promoting the goods, services, and brand image of others via the presentation of television, theatrical, radio, print, internet, and on-line advertising; public relation services; consultancy in the field of market research, brand management, business management, business research, advertising, media buying, and public relations and advisory services provided in connection with all of the foregoing; media-support services, namely, creative and strategic consultation regarding the development and production of advertising and promotional campaigns for others, development and production of audio/video content for advertising and promotional campaigns for others."

7. Registrant claimed first use of the mark on January 31, 2009, long after Petitioner's first use of its mark on or before April 1, 2005.

8. On information and belief, Registrant is not using the mark ZERO IN for any of the services shown in Registration No. 3762501.

9. Registrant's registration of the mark ZERO IN is for a mark which is substantially similar to Petitioner's ZERO-IN mark. The commercial impression of the marks is the same.

10. Registrant's services as shown in the registration for ZERO IN are substantially similar to, and travel in the same channels of trade as, Petitioner's ZERO-IN mark.

11. The Registrant's registration consists of or comprises a mark or trade name previously used in the United States by Petitioner, which has not been abandoned by Petitioner.

12. However, Registrant has abandoned any rights it had in the registration.

13. Registrant's continued registration of a mark that is substantially similar to Petitioner's mark, for use on similar or related services, is likely to confuse, deceive or mislead purchasers or prospective purchasers with regard to source, sponsorship or affiliation by or between Petitioner and Registrant, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d). As a result, continued registration to Registrant will cause substantial damage and injury to Petitioner.

14. Cancellation is appropriate under Section 14 of the Lanham Act, 15 U.S.C. §1064(3).

WHEREFORE, Petitioner respectfully requests that this petition for cancellation be sustained and that Registration No. 3762501 of the mark ZERO IN be cancelled.

Respectfully submitted,
SORINROYERCOOPER LLC

Dated: March 15, 2012

By: /Susan Goldsmith/
Susan Okin Goldsmith

Attorney for Petitioner
SorinRoyerCooper LLC
Two Tower Center Drive, 24th floor
East Brunswick, NJ 08816
(Phone) 732-737-7530
sgoldsmith@sorinroyercooper.com

CERTIFICATE OF ELECTRONIC FILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED ELECTRONICALLY WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK TRIAL AND APPEAL BOARD, VIA ESTTA, ON THE DATE INDICATED BELOW.

By: /Susan Goldsmith/ Date: March 15, 2012

CERTIFICATE OF SERVICE UNDER 37 C.F.R. §2.119(a)

I hereby certify that on March 8, 2012 the following documents are being deposited for delivery by first class mail, in an envelope addressed to Registrant at the owner's address:

GROUND ZERO ADVERTISING, INC.
4235 Redwood Avenue
Los Angeles, California 90066

Documents: PETITIONER'S PETITION TO CANCEL

On: March 15, 2012 By: /Susan Goldsmith/