

ESTTA Tracking number: **ESTTA488206**

Filing date: **08/09/2012**

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

Proceeding	92055558
Party	Plaintiff Economy Rent-A-Car, Inc.
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Date	08/09/2012
Attachments	AmendedPet__For_Cancellation--Economy.pdf ( 5 pages )(33011 bytes )



1. Petitioner is in the business of vehicle rental and reservation services and renders such services either directly or through its licensee, in multiple locations throughout the United States, including the State of California.

2. Through its predecessor-in-interest and licensee, Petitioner has been rendering its vehicle rental services in California since at least as early as December of 1993 and has done so under the name or service mark ECONOMY RENT-A-CAR.

3. On information and belief, Respondent is the current owner of Registration No. 3,256,667 for the mark ECONOMY CAR RENTALS RENTAL-HIRE-RENT A CAR-AUTOVERMIETUNG-MIETWAGEN & Design, which was issued on the basis of International Reg. No. 0884096, claiming a priority date of August 11, 2005.

4. On information and belief, Respondent renders no transportation and/or car rental services in the United States and has never rendered such services in the United States before or subsequent to the date of acquiring ownership of Reg. No. 3,256,667 on June 26, 2007.

5. Respondent's nonuse of the mark for transportation and car rental services, as set forth in Reg. No. 3,256,667, for more than three years subsequent to the date of such registration, with no intent to make such use, amounts to an

abandonment of the mark set forth in the aforesaid registration in connection with such services.

6. Petitioner's mark ECONOMY RENT-A-CAR is confusingly similar in sight, sound and meaning to the mark set forth in Reg. No. 3,256,667. The dominant portion of both parties' marks is ECONOMY and both marks are used in connection with services related to the rental of vehicles. As such, the mark used by Respondent is likely to cause confusion, mistake and/or deception on the part of the consuming public with the mark used by Petitioner.

7. Petitioner has, through its predecessor-in-interest, used its ECONOMY RENT-A-CAR mark for many years prior to the priority date of August 11, 2005 claimed by Respondent in Reg. No. 3,256,667 and, as such, Petitioner has rights superior to those of Respondent in connection with the marks at issue herein. Accordingly, Registration No. 3,256,667 is inimical to superior rights of Petitioner and should be cancelled both on the basis of abandonment under 15 U.S.C. Sec. 1064(3) and because the registration sought to be cancelled consists of a mark which so resembles the mark previously used in the United States by Petitioner and not abandoned as to be likely to cause confusion, mistake or deception under 15 U.S.C. Sec. 1064(1).

**WHEREFORE,** Petitioner respectfully requests that this Petition For Cancellation be granted and Registration No. 3,256,667 be cancelled. This Petition is filed electronically with the appropriate filing fee to be charged to Deposit Account 04-1061.

**ECONOMY RENT-A-CAR, INC.**

Dated: August 9, 2012

By:                   /Nicole M. Meyer/                    
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 9th day of August, 2012, a true and correct copy of the foregoing ***Amended Petition For Cancellation*** was served via postage prepaid, first-class, U.S. Mail, as well as via e-mail and facsimile on:

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/Nicole M. Meyer/ \_\_\_\_\_