

ESTTA Tracking number: **ESTTA478352**

Filing date: **06/15/2012**

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	JAM IP Inc.		
Entity	Corporation	Citizenship	Canada
Address	59 Berkindale Drive Toronto, ONT M2L 1Z9 CANADA		

Attorney information	Ellen S. Simpson Simpson & Simpson PLLC 5555 Main Street Williamsville, NY 14221 UNITED STATES esimpson@idealawyers.com Phone:716-626-1564		
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Registration Subject to Cancellation

Registration No	3636539	Registration date	06/09/2009
Registrant	Cascia, Michael 4522 S. White Pine Drive Tucson, AZ 85730 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2008/06/07 First Use In Commerce: 2008/11/22 All goods and services in the class are cancelled, namely: Shirts, shorts, pants, hats, skull caps, beanies, sweaters, hooded sweatshirts, jackets, shoes, undergarments, socks, and swim wear
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	JAMC101US_Pet for Cancellation.pdf (5 pages)(753135 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	/Ellen S. Simpson/
Name	Ellen S. Simpson
Date	06/15/2012

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

In the Matter of U.S. Trademark Registration No. 3,636,539

JAM IP, INC.)	
)	
)	Petitioner,
)	
)	Cancellation No. _____
v.)	
)	
MICHAEL CASCIA)	
)	
)	Registrant.
_____)	

Commissioner for Trademarks
ATTN: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Honorable Sirs:

JAM IP, Inc. (“Petitioner”), formed in Ontario, Canada, having a principal place of business at 59 Berkindale Drive, Toronto, Ontario, CANADA M2L 1Z9, believes that it is being and will continue to be damaged by continued registration of the trademark “jitz” shown in the above-identified registration of Michael Cascia, an individual, (“Registrant”), domiciled at 4522 S. White Pine Drive, Tucson, Arizona 85730, and hereby petitions to cancel the registration.

As grounds for the petition, Petitioner states as follows:

1. Petitioner, JAM IP, Inc., was formed in Ontario, Canada with a principal place of business in Toronto, Ontario, Canada.
2. Petitioner has adopted, and is the owner of the trademark JITS (“Petitioner’s Mark”).

3. On January 23, 2012, Petitioner's predecessor filed intent-to-use U.S. Trademark Application Serial No. 85/523,131 with the United States Patent and Trademark Office (USPTO) seeking to register Petitioner's Mark for use in association with various goods and services, including belts for clothing in International Class 25.

4. On May 8, 2012, an Office Action was issued refusing registration of Petitioner's Mark for the goods in International Class 25 on the ground that the Examining Attorney believed that there was a likelihood of confusion under Section 2(d) of the Trademark Act between Petitioner's Mark and the mark "jitz" that is the subject of U.S. Trademark Registration No. 3,636,539 owned by Registrant ("Registrant's Mark").

5. On May 25, 2012, Petitioner deleted the goods in Class 25 from its application in order to overcome the refusal to register based on Section 2(d) of the Trademark Act.

6. Thereafter, Petitioner conducted an investigation into Registrant's use of the "jitz" mark. Based on this investigation, Petitioner believes, and on that basis alleges, that Registrant has discontinued use of the Registered Mark with no intent to resume such use. In particular, Petitioner has attempted to locate any indication of current use of the Registered Mark in association with apparel and has been unable to do so.

7. Petitioner's business plans include usage of its mark JITS in association with apparel.

8. Petitioner believes that it will be damaged by the continued registration of Registrant's Mark and will continued to be damaged by the existence of the Registered Mark on the Principal Register because the Registered Mark is an obstacle to Petitioner's registration of Petitioner's Mark for goods identified in International Class 25 in that the USPTO initially refused registration of Petitioner's Mark in association with Petitioner's goods identified in

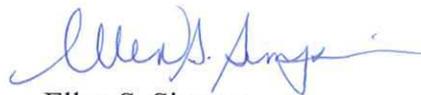
International Class 25 and will likely refuse registration of any other application filed by Petitioner for use of its JITS mark in association with goods in International Class 25.

11. Petitioner requests that the Registered Mark be cancelled in its entirety on the ground that the Registered Mark has been abandoned by Registrant.

WHEREFORE, Petitioner prays that Registration No. 3,636,539 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Petitioner hereby submits the requisite filing fee in the amount of \$300.00 as required in 37 C.F.R. § 2.6(a)(16). Please charge any additional fees to Account No. 50-0822.

Respectfully submitted,



Ellen S. Simpson
Attorney for Petitioner
Simpson & Simpson PLLC
5555 Main Street
Williamsville, New York 14221
(tel) 716-626-1564
(fax) 716-626-0366

DATED: June 15, 2012

ESS:

CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this PETITION FOR CANCELLATION is being filed electronically with the United States Patent and Trademark Office utilizing the *Electronic System for Trademark Trials and Appeals* on this 15th day of June, 2012.



Ellen S. Simpson
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CERTIFICATE OF SERVICE

I certify that a true copy of this PETITION FOR CANCELLATION was served upon the Registrant by depositing a copy thereof with the U.S. Postal Service, via first class mail, postage prepaid, directed to Registrant:

Mr. Michael Cascia
4522 S. White Pine Drive
Tucson, Arizona 85730

Dated: June 15, 2012

By:



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