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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	Monster, Inc.		
Entity	Corporation	Citizenship	California
Address	455 Valley Drive Brisbane, CA 94005 UNITED STATES		

Attorney information	Matthew Powelson 321 Law, Inc. P.O. Box 911 Monterey, CA 93942 UNITED STATES matt@321-law.com Phone:831 261-1153		
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Registration Subject to Cancellation

Registration No	3389868	Registration date	02/26/2008
Registrant	PROTON ELECTRONIC INDUSTRIAL CO., LTD. SAN MIN ROAD, SEC. 1 4F, NO. 45 PAN CHIAO CITY, TAIPEI HSIEN, TAIWAN		

Goods/Services Subject to Cancellation

Class 009. First Use: 2005/03/00 First Use In Commerce: 2006/01/00 All goods and services in the class are cancelled, namely: consumer electronic products, namely, televisions, video monitors, radios incorporating clocks, stereo receivers for audio-video, amplifiers, audio-video receivers, tape players, loud speakers, stereo tuners, car stereos, car speakers and parts therefore

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	PURITI Petition to Cancel.pdf (5 pages)(78419 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	/Matthew Powelson/
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Name	Matthew Powelson
Date	11/26/2012

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

MONSTER, INC. Petitioner v. PROTON ELECTRONIC INDUSTRIAL CO., LTD. Registrant	Cancellation No.: Registration No.: 3389868 Mark: PURITI
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PETITION TO CANCEL

MONSTER, INC., a California corporation (“Petitioner”), whose address is 455 Valley Drive, Brisbane, CA 94005-1209, believes that it will be damaged by the continued registration of the mark “PURITI,” in International Class 9 for all goods contained in the application on the Principal Register, as shown in the above-referenced registration by PROTON ELECTRONIC INDUSTRIAL CO., LTD. (“Registrant”), and hereby files this Petition to Cancel same.

The grounds for cancellation are as follows:

1. Petitioner is the owner of U.S. Trademark Applications No. 85369790 and 85431542 (“Petitioner’s Marks”).
2. Petitioner received Office Actions for the above applications refusing registration of Petitioner’s Marks on the grounds of likelihood of confusion with Registration No. 3389868 (the “Subject Registration”).

3. Upon receipt of the Office Actions, Petitioner's counsel began researching the products listed in the Subject Registration and was unable to find any evidence of such products' availability in the United States.

4. As part of his research, Petitioner's counsel reviewed the file history of the application for the Subject Registration.

5. According to the Statement of Use ("SOU") filed on or about November 2, 2007, as attested to by Registrant, Registrant first made use in commerce of the following goods at least as early as January, 2006: consumer electronic products, namely, televisions, video monitors, radios incorporating clocks, stereo receivers for audio-video, amplifiers, audio-video receivers, tape players, loud speakers, stereo tuners, car stereos, car speakers and parts therefore.

6. On information and belief, Registrant's SOU was false as it had not made use, or had made only token use, of its PURITI mark in commerce in connection with any of the goods listed in the SOU.

7. On or about January 4, 2012, March 8, 2012, and November 26, 2012 Petitioner's counsel sent emails to Registrant's domestic representative, Mr. David Dougherty, attempting to communicate with Registrant regarding its lack of use of its PURITI mark in connection with the products listed in the Subject Registration.

8. Having received no response to the emails until November 26, 12, and, even in that response, having no additional information from Registrant on its claimed use, Petitioner hereby continues to believe that Registrant is not using the mark in commerce in the United States and never has.

Registrant Has Abandoned Its PURITI Mark.

9. Petitioner incorporates by reference the allegations contained in paragraphs 1-8 above.

10. On information and belief, Registrant has not used the PURITI mark in commerce for at least the last three years in connection with the goods listed in the Subject Registration.

11. Registrant is therefore presumed to have abandoned any trademark rights it may have in the PURITI mark in connection with the goods listed in the Subject Registration.

12. In light of Registrant's abandonment of trademark rights in the PURITI mark, Registration No. 3389868 should be canceled in its entirety.

Registrant Failed To Use Its PURITI Mark In Commerce.

13. Petitioner incorporates by reference the allegations contained in paragraphs 1-12 above.

14. On information and belief there was no bona fide use of Registrant's mark in commerce in the ordinary course of trade at the time Registrant filed its verified statement in its SOU pursuant to 15 U.S.C. § 1051(d)(1).

15. In light of Registrant's failure to make use, or having made only token use, in commerce its PURITI mark, Registration No. 3389868 should be canceled in its entirety.

WHEREFORE, the Petitioner will be damaged by the continued registration of the Subject Registration and prays that the Registration No. 3389868 be cancelled in its entirety.

Respectfully submitted,

MONSTER, INC.

By its attorneys,

Date: November 26, 2012

By: /Matthew Powelson/

Matthew Powelson

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Petition to Cancel** was served on counsel for Registrant, this 26th day of November 2012, by sending same via First Class U.S. Mail to Registrant's Domestic Representative as follows: David E. Dougherty, Lowe Hauptman Berner LLP, 1700 Diagonal Rd. Ste 300, Alexandria, Virginia 22314.

By: /Matthew Powelson/
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