

ESTTA Tracking number: **ESTTA519871**

Filing date: **02/05/2013**

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    | Honda Motor Co., Ltd.   |             |       |
| Entity  | Corporation   | Citizenship | Japan |
| Address | 1-1, 2-chome Minami-Aoyama, Minato-ku<br>Tokyo, 107-8556<br>JAPAN |             |       |

|                      |   |  |  |
|----------------------|---|--|--|
| Attorney information | Dyan Finguerra-DuCharme<br>Pryor Cashman LLP<br>7 Times Square<br>New York, NY 10036<br>UNITED STATES<br>dfinguerra-ducharme@pryorcashman.com, tmdocketing@pryorcashman.com<br>Phone:(212) 326-0443 |  |  |
|----------------------|---|--|--|

**Registration Subject to Cancellation**

|                 |   |                   |            |
|-----------------|---|-------------------|------------|
| Registration No | 3203425   | Registration date | 01/30/2007 |
| Registrant      | Pioneer Motors USA, L.L.C.<br>108 Waterview Drive<br>Hot Springs, AR 71913<br>UNITED STATES |                   |            |

**Goods/Services Subject to Cancellation**

|  |
|--|
| Class 012. First Use: 2004/12/11 First Use In Commerce: 2004/12/11<br>All goods and services in the class are cancelled, namely: motorcycles, motorized scooters, all terrain vehicles, motor bikes, and dirt bikes, none being for use by elderly, infirmed and disabled people |
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**Grounds for Cancellation**

|             |                          |
|-------------|--------------------------|
| Abandonment | Trademark Act section 14 |
|-------------|--------------------------|

|             |  |
|-------------|--|
| Attachments | 18223-00009(2013-02-05 15-45-58).PDF ( 4 pages )(34928 bytes ) |
|-------------|--|

**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 | /dyan finguerria-ducharme/ |
| Name      | Dyan Finguerra-DuCharme    |

|      |            |
|------|------------|
| Date | 02/05/2013 |
|------|------------|

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

In re Registration No. 3,203,425  
Mark: P PIONEER & Design  
Registered: January 30, 2007

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:  
HONDA MOTOR CO., LTD.,  
:  
Petitioner, : Cancellation No. \_\_\_\_\_  
v. :  
PIONEER MOTORS USA, L.L.C., :  
:  
Registrant. :  
-----X

**PETITION FOR CANCELLATION**

Petitioner Honda Motor Co., Ltd. (“Petitioner”) states the following for its petition for cancellation against Registration No. 3,203,425:

1. Petitioner is a Japanese corporation with an address of 1-1, 2-chome, Minami-Aoyama, Minato-ku, Tokyo 107-8556, Japan.
2. Petitioner is the world’s largest motorcycle manufacturer and one of the world’s leading automakers. Petitioner develops, manufactures and markets a wide variety of products, ranging from small general-purpose engines and scooters to specialty sports cars, which have earned Petitioner an outstanding reputation worldwide. Petitioner does business through numerous subsidiaries and affiliates located throughout the world.
3. Petitioner is the owner of a pending application for PIONEER, Serial No. 85/647427 (the “PIONEER Application”) for the following Class 12 goods:

All-terrain vehicles, side-by-side vehicles, and their structural parts.

4. Upon information and belief, Respondent Pioneer Motors USA, L.L.C.

(“Respondent”) is a dissolved Mississippi limited liability company with an address of 108 Waterview Drive, Hot Springs, Arkansas 71913.

5. Respondent owns P PIONEER & Design, Reg. No. 3,203,425 for Class 12 for “motorcycles, motorized scooters, all terrain vehicles, motor bikes, and dirt bikes, none being for use by elderly, infirmed and disabled people.”

6. The Examiner has cited the P PIONEER & Design registration as a basis to refuse registration of the PIONEER Application pursuant to Section 2(d) of the Trademark Act.

7. Upon information and belief, the Respondent has abandoned the P PIONEER & Design registration.

8. Petitioner will be damaged by the continuing registration of the P PIONEER & Design mark because the registration is blocking registration of Petitioner’s PIONEER Application. Therefore, U.S. Registration No. 3,203,425 is a source of damage and injury to Petitioner.

WHEREFORE, Petitioner requests that its petition to cancel Registration No. 3,203,425 be sustained and that the Trademark Trial and Appeal Board grant any and all further relief to Petitioner that the Board finds necessary and just in the circumstances.

Opposer appoints as its attorney in this proceeding Dyan Finguerra-DuCharme, Muzamil Huq and Christopher Chan of the firm Pryor Cashman LLP, 7 Times Square, New York, New York 10036-6569, to whom all correspondence in this proceeding should be addressed.

Dated: February 5, 2012

Respectfully submitted,

PRYOR CASHMAN LLP



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Ph: (212) 326-0443

dfinguerra-ducharme@pryorcashman.com;

tmdocketing@pryorcashman.com

*Attorney for Petitioner Honda Motor Co., Ltd.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Petition to Cancel was served upon Registrant at the following address by First Class mail on February 5, 2012:

Pioneer Motors USA, L.L.C.  
108 Waterview Drive  
Hot Springs, Arkansas 71913

  
Dyah Finguerra-DuCharme