

ESTTA Tracking number: **ESTTA522883**

Filing date: **02/21/2013**

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	Shopcaster, Inc.		
Entity	Corporation	Citizenship	Canada
Address	488 Wellington Street West Suite 300 Toronto, ONT M5V 1E3 CANADA		

Attorney information	Keith A. Weltsch Scully, Scott, Murphy & Presser, P.C. 400 Garden City Plaza Suite 300 Garden City, NY 11530 UNITED STATES intprop@ssmp.com, kweltsch@ssmp.com, hmanthey@ssmp.com Phone:516-742-4343
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**Registration Subject to Cancellation**

Registration No	3739899	Registration date	01/19/2010
Registrant	Idochu Inc. 4079 Valerie Dr. Campbell, CA 95008 UNITED STATES		

**Goods/Services Subject to Cancellation**

<p>Class 035. First Use: 2009/05/13 First Use In Commerce: 2009/05/13 All goods and services in the class are cancelled, namely: Advertising and advertisement services; Advertising, including on-line advertising on a computer network; An interactive web site for users to review and rate internet content, people, companies, products and/or services utilizing a software application to award points whereby web site users are eligible to exchange points earned for promotional items consisting of coupons, rebates, discounts or special offerings on goods and/or service provided by web site sponsors; Dissemination of advertising for others via an on-line communications network on the internet; Marketing, promotional and advertising services provided by mobile telephone connections; Processing manufacturer's coupons; Promoting the goods and services of others by providing a community-driven web site featuring user-submitted content in the nature of coupons, rebates, price-comparison information, product reviews, links to the retail web sites of others, and discount information; Promoting the goods and services of others by providing a web site featuring coupons, rebates, price-comparison information, product reviews, links to the retail web sites of others, and discount information; Providing advertising service to distribute advertisements for display on Internet, namely, in websites, social conversations over the Internet, emails, microblogs, blogs, electronic messages, instant messages, text messages, multimedia messages, social networks, status updates, forums, electronic bulletin boards</p>
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	PETITION FOR CANCELLATION.pdf ( 4 pages )(1432848 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	/Keith A. Weltsch/
Name	Keith A. Weltsch
Date	02/21/2013



for others via an on-line communications network on the internet; marketing, promotional and advertising services provided by mobile telephone connections; processing manufacturer's coupons; promoting the goods and services of others by providing a community-driven web site featuring user-submitted content in the nature of coupons, rebates, price-comparison information, product reviews, links to the retail web sites of others, and discount information; promoting the goods and services of others by providing a web site featuring coupons, rebates, price-comparison information, product reviews, links to the retail web sites of others, and discount information; providing advertising service to distribute advertisements for display on Internet, namely, in websites, social conversations over the Internet, emails, microblogs, blogs, electronic messages, instant messages, text messages, multimedia messages, social networks, status updates, forums, electronic bulletin boards” in International Class 35.

2. Petitioner currently has an application pending before the U.S. Patent and Trademark Office for the mark SHOPCASTER filed under U.S. Serial No. 85/693,867 for use in connection with “Promoting and brokering the online sale and shipment of the goods and services of others by means of operating an online interactive marketplace listing product and service information, prices and images featuring the products and services offered in third-party retail establishments” in International Class 35.

3. Upon information and belief, Respondent has ceased any and all use of the SHOPCAST mark registered under U.S. Registration No. 3,739,899 on, or in connection with, the services listed in said registration in the United States, and Respondent has no intention to resume such use of said mark on, or in connection with, the services referenced in the SHOPCAST registration.

4. As a result of such nonuse, Respondent’s SHOPCAST mark registered under U.S. Registration No. 3,739,899 has lost all capacity as a source indicator for Respondent’s services in the

United States.

5. Petitioner is damaged by the continued registration of Respondent's SHOPCAST registration because Petitioner's pending application for the mark SHOPCASTER filed under U.S. Serial No. 85/693,867 has been rejected on the basis of confusion with the SHOPCAST registration, and the continued existence of Respondent's SHOPCAST registration will act as a blight on Petitioner's use and registration of its SHOPCASTER mark set out in Paragraph 2 above.

6. In view of the above allegations, Respondent is not entitled to continue registration of its alleged mark since Respondent's SHOPCAST mark has become abandoned because of Respondent's nonuse of the same in the United States, because Respondent's SHOPCAST registration has lost all significance as a source indicator in the United States, and because Respondent has no intention to resume use of the SHOPCAST mark for the services covered by U.S. Reg. No. 3,739,899 in the United States.

7. Petitioner hereby requests that the required \$300 fee to cancel U.S. Reg. No. 3,739,899 proscribed under 37 C.F.R. §2.6 be withdrawn from Deposit Account No. 19-1013.

WHEREFORE, Petitioner respectfully prays that Registration No. 3,739,899 be canceled in its entirety.

Petitioner hereby appoints the following attorneys, to whom all correspondence should be addressed, to prosecute this Cancellation and transact all business in the Patent and Trademark Office connected therewith:

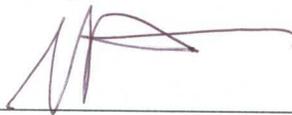
Please address all correspondence to:

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SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
Telephone: (516) 742-4343

Respectfully submitted,

Shopcaster, Inc.

Dated: February 21, 2013

By: 

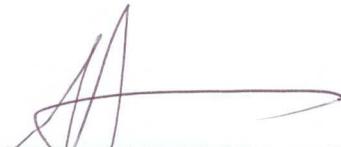
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COUNSEL FOR PETITIONER

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing PETITION FOR CANCELLATION is being deposited with the United States Postal Service as first class mail, postage prepaid, to Respondent and attorney for Respondent on this 21st day of February 2013 as follows:

Idochu, Inc.  
4079 Valerie Drive  
Campbell, California 95008

  
Keith A. Weltsch