

ESTTA Tracking number: **ESTTA526552**

Filing date: **03/13/2013**

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	Anthony Guerra		
Entity	Individual	Citizenship	UNITED STATES
Address	3242 Seaclaire Drive Rancho Palos Verdes, CA 90275 UNITED STATES		

Attorney information	David A. Belasco Belasco Jacobs & Townsley, LLP 6701 Center Drive West 14th Floor Los Angeles, CA 90045 UNITED STATES dbelasco@bjtlaw.com, donna@bjtlaw.com Phone:310-743-1188		
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Registration Subject to Cancellation

Registration No	4055411	Registration date	11/15/2011
Registrant	Silvestry, Brandon #708 8102 N Sheldon Rd. Tampa, FL 33615 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 1998/10/10 First Use In Commerce: 1999/11/01 All goods and services in the class are cancelled, namely: Entertainment in the nature of visual and audio performances by an actor; Entertainment services, namely, wrestling exhibits and performances by a professional wrestler and entertainer

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation.pdf (3 pages)(119072 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	/David A. Belasco/
Name	David A. Belasco

Date	03/13/2013
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TRADEMARK

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

Anthony Guerra,

Cancellation No. _____

Petitioner,

Registration No. 4,055,411

v.

Issued: November 15, 2011

Brandon Silvestry

Trademark: LOW-KI

Respondent.

PETITION FOR CANCELLATION

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

Anthony Guerra, a United States Citizen, located and doing business at 3242 Seaclaire Drive, Rancho Palos Verdes, California 90275 (hereinafter "Petitioner") believes that it is and will be damaged by Registration No. 4055411 of Low-Ki, an Individual hereinafter "Respondent") and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged that:

1. Petitioner is a member of a musical group known as LOW KEY BAND engaged in provision of musical performances and producing musical recordings.

2. Petitioner has been using the mark LOW KEY BAND since at least March 1, 2009 in commerce in connection with entertainment services, namely, live, televised and movie appearances by a professional entertainer.

3. On or about July 5, 2012, Petitioner filed application Serial No. 85/669,686 for federal registration of the mark LOW KEY BAND for entertainment services, namely, live, televised and movie appearances by a professional entertainer.

4. Petitioner's application Serial No. 85/669,686 has been refused registration under Section 2(d) of the Trademark Act based upon Respondent's Registration No. 4,055,411 of the mark LOW-KI.

5. Petitioner is informed and believes that Respondent has discontinued the use of the mark LOW-KI for entertainment services, namely, wrestling exhibits and performances by a professional wrestler and entertainer without the intent of resuming use.

6. Petitioner is informed and believes that Respondent has not used the mark LOW-KI in commerce for entertainment services, namely, wrestling exhibits and performances by a professional wrestler and entertainer, at least, the past two years preceding the filing of this petition.

7. Petitioner is informed and believes that Respondent has abandoned the mark LOW-KI of Registration No. 4,055,411.

8. Petitioner has been damaged and will be further damaged by the continued registration of the mark LOW-KI by Respondent under Registration No. 4,055,411, since Petitioner's registration of the mark LOW KEY BAND has been denied based upon Respondent's registration of the mark LOW-KI, now believed to be abandoned by Respondent.

WHEREFORE, Petitioner prays that this petition be granted and that Registration No. 4,055,411 be canceled.

By: /David A. Belasco/
David A. Belasco,
Attorney for Petitioner
Anthony Guerra

Date: March 13, 2013

Certificate of Service

I hereby certify that a true and complete copy of the foregoing PETITION FOR CANCELLATION has been served on Petitioner, by mailing said copy on the date subscribed below, via First Class Mail, postage prepaid to the following addresses of record:

Applicant: Mr. Brandon Silvestry
8102 N Sheldon Road #708
Tampa Florida 33615

Donna Miller

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BELASCO JACOBS & TOWNSLEY, LLP
Howard Hughes Center
6701 Center Drive West, 14th Floor
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3-13-2013
Date