

ESTTA Tracking number: **ESTTA530655**

Filing date: **04/04/2013**

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 | Abdullah Chothai | | |
| Entity | Individual | Citizenship | UNITED ARAB EMIRATES |
| Address | Dubai Airport Free Zone Shed, C16, P.O. Box 186065 Dubai, UNITED ARAB EMIRATES | | |

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| Attorney information | Marsha G. Gentner Jacobson Holman PLLC 400 7th St., NW Washington, DC 20004 UNITED STATES trademark@jhip.com, mgentner@jhip.com Phone:2026386666 | | |
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Registration Subject to Cancellation

| | | | |
|--------------------------------|---|---------------------------------|------------|
| Registration No | 3611193 | Registration date | 04/28/2009 |
| International Registration No. | NONE | International Registration Date | NONE |
| Registrant | Twente Institute for Wireless and Mobile Communications B.V. Institutenweg 30 Enschede, 7521PK NETHERLANDS | | |

Goods/Services Subject to Cancellation

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| Class 009. All goods and services in the class are cancelled, namely: Devices for wireless radio transmission |
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Grounds for Cancellation

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|-------------|--------------------------|
| Abandonment | Trademark Act section 14 |
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| Attachments | I6709 Petition.pdf (3 pages)(51863 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.

| | |
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| Signature | /Marsha G. Gentner/ |
| Name | Marsha G. Gentner |

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|------|------------|
| Date | 04/04/2013 |
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ABDULLAH YAHYA MUHAMMAD CHOTHAI,

Petitioner,

v.

TWENTE INSTITUTE FOR WIRELESS AND
MOBILE COMMUNICATIONS, B.V. AKA WMC,

Respondent.

Cancellation No.:

PETITION FOR CANCELLATION

In the matter of trademark registration no. 3,611,193, in the name of Twente Institute For Wireless and Mobile Communications, B.V. aka WMC, issued April 28, 2009, for the mark FIGO (Stylized) & Design, Petitioner, Abdullah Yahya Muhammad Chothai, believes he will be damaged by the continued registration of said alleged trademark and hereby petitions to cancel same. The grounds for cancellation are as follows:

1. The Petitioner, Abdullah Yahya Muhammad Chothai, is an individual citizen of the United Arab Emirates, with an address of Dubai Airport Free Zone Shed, C16, P.O. Box 186065, Dubai, United Arab Emirates.

2. On July 5, 2012, Petitioner filed an application for registration of the mark FiGO (Stylized) & Design, for Class 9 goods, based on an intent to use said trademark in commerce. Said application (hereafter, "Petitioner's Application") was designated serial no. 85669079. In an Office Action issued on November 6, 2013 in Petitioner's Application, the U.S. Patent and Trademark Office ("PTO") Examining Attorney has refused registration of Petitioner's FiGO

(Stylized) & Design mark under §2d of the Trademark Act, based on an asserted likelihood of confusion with the mark of trademark registration no. 3,611,193.

3. On information and belief, for at least three consecutive years prior to the filing date of this Petition for Cancellation, Respondent, Twente Institute For Wireless and Mobile Communications, B.V. aka WMC, has not used the registered FIGO (Stylized) & Design mark that is the subject of trademark registration no. 3,611,193, in commerce, in connection with the goods set forth in that registration, namely, devices for wireless radio transmission. Further, on information and belief, Respondent has never made any bona fide use in the ordinary course of trade, of the registered FIGO (Stylized) & Design mark that is the subject of trademark registration no. 3,611,193, in commerce, in connection with the goods set forth in that registration.

4. On information and belief, the “discontinued” use of the registered FIGO (Stylized) & Design mark by Respondent, as aforesaid, has been with the intent not to “resume” such use, and further, to the extent there has been no use in commerce of the registered FIGO (Stylized) & Design mark by Respondent, as aforesaid, Respondent does not have a present, bona fide intent to commence such use, and/or Respondent is maintaining trademark registration no. 3,611,193 merely to reserve a right in the registered FIGO (Stylized) & Design mark.

5. By reason of the aforesaid, Respondent has abandoned the mark of registration no. 3,611,193.

6. By virtue of the foregoing, Petitioner believes he will be damaged by the continued registration by Respondent of the FIGO (Stylized) & Design mark, as set forth in registration no. 3,611,193.

7. If Respondent is permitted to maintain the registration sought to be cancelled herein, and Respondent continues to claim such rights as conferred under the Principal Register of the Trademark Act of 1946, Respondent will obtain unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Petitioner.

WHEREFORE, this Petitioner, Abdullah Yahya Muhammad Chothai, believes and alleges that he will be damaged by the continued registration of the FIGO (Stylized) & Design mark, as set forth in registration no. 3,611,193, as aforesaid, and prays that:

- A. judgment in the present cancellation action be entered in favor of Petitioner;
- B. the present Petition for Cancellation be granted; and
- C. registration no. 3,611,193 be cancelled.

Respectfully submitted,

ABDULLAH YAHYA MUHAMMAD CHOTHAI

Date: April 4, 2013

By: /Marsha G. Gentner/
Marsha G. Gentner
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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2013, the foregoing Petition for Cancellation was served, by mailing same first class and postage prepaid, on the following correspondent as set forth in the records of the U.S. Patent and Trademark Office:

Twente Institute For Wireless and Mobile Communications, B.V.
Institutenweg 30
Enschede 7521PK
Netherlands

 /Marsha G. Gentner/