

ESTTA Tracking number: **ESTTA535192**

Filing date: **04/30/2013**

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	Trident Group, LLC		
Entity	Limited Liability Company	Citizenship	New Jersey
Address	P.O. Box 406 Pompton Plains, NJ 07444 UNITED STATES		

Attorney information	David Ludwig DunlapWeaver, PLLC 199 Liberty Street SW Leesburg, VA 20175 UNITED STATES dludwig@dunlapweaver.com Phone:703-777-7319
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### Registration Subject to Cancellation

Registration No	4027086	Registration date	09/13/2011
Registrant	Nidal Haddadin 909 S. Greenwood Ave. #C Montebello, CA 90640 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 034. First Use: 2010/11/01 First Use In Commerce: 2011/06/15 All goods and services in the class are cancelled, namely: Tobacco, Shisha Tobacco, Cigars
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### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85840964	Application Date	02/05/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HALO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: Cartridges sold filled with propylene glycol for electronic cigarettes		

	Class 034. First use: Electronic cigarettes
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Attachments	Trident Petition for Cancellation (Halo).pdf ( 8 pages )(33431 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 Ludwig/
Name	David Ludwig
Date	04/30/2013

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

**IN THE MATTER OF Trademark Registration No. 4,027,086  
For the mark HALO;  
Registered on September 13, 2011**

<b>TRIDENT GROUP, LLC,</b>	)	
	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Cancellation No. _____</b>
	)	
<b>NIDAL HADDADIN,</b>	)	
	)	
	)	
<b>Registrant.</b>	)	
_____	)	

**PETITION FOR CANCELLATION**

Petitioner, Trident Group, LLC, a limited liability company organized and existing under the laws of New Jersey (hereinafter referred to as “Petitioner”), believes it will be damaged by the continued registration of the mark shown in Registration No. 4,027,086 (HALO) filed by Nidal Haddadin, believed to be an individual resident of California (hereinafter referred to as “Registrant”), and therefore petitions to cancel registration of the same pursuant to 15 U.S.C. § 1064.

A further description of Registration No. 4,027,086 is as follows:

<b>Mark:</b>	HALO
<b>Reg. Number:</b>	4,027,086
<b>Filed:</b>	October 29, 2010
<b>Goods/Services:</b>	<i>Tobacco, Shisha Tobacco, Cigars,</i> in International Class 034
<b>First Use in Commerce Claimed:</b>	June 15, 2011

Attached hereto as Exhibit A, and incorporated herein by this reference, is a copy of the Trademark Status and Document Retrieval (“TSDR”) printout for Registration No. 4,027,086.

As grounds for petition, it is alleged that:

1. Petitioner, Trident Group, LLC, is a leading provider of electronic cigarettes and related products. Since at least as early as June 2009, long prior to the first use in commerce date of June 15, 2011 claimed by Registrant, Petitioner has been, and is now using the mark HALO in connection with *electronic cigarettes and related products*.

2. Petitioner is the owner of the following US Trademark Application:

HALO, U.S. Serial No. 85/840,964 (first use in commerce: at least as early as June 26, 2009)

International Class 001: *Cartridges sold filled with propylene glycol for electronic cigarettes.*

and

International Class 034: *Electronic cigarettes.*

Attached hereto as Exhibit B, and incorporated herein by this reference, is a copy of the TSDR printout for Petitioner’s above referenced application for the mark HALO.

3. Petitioner is also the owner of, and relies upon, its common law trademark rights for the mark HALO in the United States, used in association with various *electronic cigarette products* since at least as early as June 2009.

4. Petitioner’s use of its HALO mark has been valid and continuous in the United States since at least as early as June 2009, and said mark has not been abandoned.

5. Petitioner’s HALO mark, by virtue of its substantial and continuous use since at least as early as June 2009 has acquired great value as an identification of Petitioner’s goods, and acts to distinguish those goods from the goods and services of others.

6. Petitioner's HALO mark is symbolic of the goodwill and consumer recognition built up by Petitioner through substantial amounts of time and effort in advertising and promotion.

7. The date of first use of Petitioner's HALO mark in U.S. interstate commerce is prior to the first use date of June 15, 2011 claimed in the subject Registration No. 4,027,086

8. In view of the similarities in the respective marks and the goods of the respective parties, it is alleged that Registrant's HALO mark so resembles Petitioner's HALO mark as to be likely to cause consumer confusion or to cause mistake or to deceive, all in violation of Lanham Act § 2(d), 15 U.S.C. § 1052(d).

9. Petitioner also alleges as grounds for this opposition Lanham Act § 2(a), 15 U.S.C. § 1052(a), namely, that Registrant's HALO mark as applied to goods and services other than those of Petitioner, comprises deceptive matter because it falsely suggests a connection with Petitioner, a prior user.

10. If Registrant is permitted to retain its registration for the HALO mark, which is the subject of Registration No. 4,027,086, it would retain at least a *prima facie* exclusive right to the use of its mark in association with the registered goods. Such continued registration would be a source of damage and injury to Petitioner.

11. If Registrant is permitted to retain the Registration sought to be cancelled, a cloud will be placed on Petitioner's title in and to its HALO mark and to enjoy the true and exclusive use thereof in the U.S. in connection with its goods and services.

WHEREFORE, Petitioner prays that Registration No. 4,027,086 be rejected and stricken, and that this Cancellation be sustained in favor of Petitioner.

DATED this 30th day of April 2013.

Respectfully submitted,

TRIDENT GROUP, LLC,  
Petitioner,  
By counsel,

/David Ludwig/

David Ludwig  
DUNLAPWEAVER, PLLC  
199 Liberty Street, SW  
Leesburg, VA 20175  
Tel.: (703) 777-7319  
Fax.: (703) 777-3656  
dludwig@dunlapweaver.com

#### **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this Petition for Cancellation is being electronically filed using the Electronic System for Trademark Trials and Appeals (ESTTA) on this 30th day of April 2013.

/David Ludwig/

David Ludwig

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Petition for Cancellation has been served upon Registrant by depositing one copy thereof in the U.S. Mail, First Class, postage prepaid, on this 30th day of April 2013, addressed as follows:

Nidal Haddadin  
909 S. Greenwood Ave. #C  
Montebello, CA 90640

/David Ludwig/

David Ludwig

Generated on: This page was generated by TSDR on 2013-04-30 13:53:53 EDT

Mark: HALO

# HALO

**US Serial Number:** 85164924      **Application Filing Date:** Oct. 29, 2010  
**US Registration Number:** 4027086      **Registration Date:** Sep. 13, 2011  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Sep. 13, 2011  
**Publication Date:** Apr. 19, 2011      **Notice of Allowance Date:** Jun. 14, 2011

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## Mark Information

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**Mark Literal Elements:** HALO  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

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## Goods and Services

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**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:** Tobacco, Shisha Tobacco, Cigars  
**International Class(es):** 034 - Primary Class      **U.S Class(es):** 002, 008, 009, 017  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Nov. 01, 2010      **Use in Commerce:** Jun. 15, 2011

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## Basis Information (Case Level)

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<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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## Current Owner(s) Information

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**Owner Name:** Nidal Haddadin  
**Owner Address:** 909 S. Greenwood Ave. #C  
Montebello, CALIFORNIA 90640  
UNITED STATES  
**Legal Entity Type:** INDIVIDUAL      **Citizenship:** UNITED STATES

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## Attorney/Correspondence Information

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### Attorney of Record

**Attorney Name:** Scott R. Weber, Esq.  
**Attorney Primary Email Address:** [scottweberesq@gmail.com](mailto:scottweberesq@gmail.com)      **Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** SCOTT R. WEBER, ESQ.  
5521 SCHAEFER AVE  
CHINO, CALIFORNIA 91710-9070  
UNITED STATES

Phone: (323) 205-8974

Correspondent e-mail: [scottweberesq@gmail.com](mailto:scottweberesq@gmail.com)

Correspondent e-mail No  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 13, 2011	REGISTERED-PRINCIPAL REGISTER	
Aug. 11, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 10, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
Aug. 09, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 06, 2011	STATEMENT OF USE PROCESSING COMPLETE	66530
Jun. 30, 2011	USE AMENDMENT FILED	66530
Jul. 06, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jun. 30, 2011	TEAS STATEMENT OF USE RECEIVED	
Jun. 14, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 19, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 19, 2011	PUBLISHED FOR OPPOSITION	
Mar. 14, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Mar. 08, 2011	ASSIGNED TO LIE	67287
Feb. 10, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 09, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 09, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 09, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 09, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 09, 2011	NON-FINAL ACTION E-MAILED	6325
Feb. 09, 2011	NON-FINAL ACTION WRITTEN	74288
Feb. 08, 2011	ASSIGNED TO EXAMINER	74288
Nov. 03, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 02, 2010	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 10, 2011

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Mark: HALO

# HALO

US Serial Number: 85840964      Application Filing Date: Feb. 05, 2013  
Filed as TEAS Plus: Yes      Currently TEAS Plus: Yes  
Register: Principal  
Mark Type: Trademark  
Status: New application will be assigned to an examining attorney approximately 3 months after filing date.  
Status Date: Feb. 09, 2013

## Mark Information

Mark Literal Elements: HALO  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: Cartridges sold filled with propylene glycol for electronic cigarettes

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 1(b)

For: Electronic cigarettes

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Trident Group, LLC  
Owner Address: P.O. Box 406  
Pompton Plains, NEW JERSEY 07444  
UNITED STATES  
Legal Entity Type: LIMITED LIABILITY COMPANY      State or Country Where Organized: NEW JERSEY

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Douglas R. Blecki, Jr.  
Attorney Primary Email Address: [ip@dglegal.com](mailto:ip@dglegal.com)      Attorney Email Authorized: Yes

### Correspondent

**Correspondent** DOUGLAS R. BLECKI, JR.  
**Name/Address:** DUNLAPWEAVER, PLLC  
199 LIBERTY ST SW  
LEESBURG, VIRGINIA 20175-2715  
UNITED STATES

**Phone:** 703-777-7319

**Correspondent e-mail:** [jp@dglegal.com](mailto:jp@dglegal.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Feb. 09, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 08, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** NEW APPLICATION PROCESSING

**Date in Location:** Feb. 09, 2013