

ESTTA Tracking number: **ESTTA542805**

Filing date: **06/13/2013**

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	Yoga Smoga, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	15 Broad St. #2304 New York, NY 10005 UNITED STATES		

Attorney information	Douglas R. Wolf Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210 UNITED STATES azdtrademarks@wolfgreenfield.com, drwtrademarks@wolfgreenfield.com Phone:617-646-8000
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Registration Subject to Cancellation

Registration No	4163190	Registration date	06/26/2012
Registrant	White, Nikia S 6800 Corbin Avenue #208 Reseda, CA 91335 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2000/04/25 First Use In Commerce: 2000/04/25 All goods and services in the class are cancelled, namely: Clothing, namely, tops, bottoms, headwear, coats, footwear and belts

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel Y0106.PDF(283129 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/Anderson J. Duff/
Name	Anderson J. Duff

Date	06/13/2013
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Registrant: Nikia S. White
Registration No.: 4,163,190
Date Registered: June 26, 2012
Mark: CARBONSIX

Yoga Smoga, Inc.)
)
Petitioner,)
)
v.)
)
Nikia S. White)
)
Registrant.)
_____)

Cancellation No. _____

PETITION FOR CANCELLATION

This Petition for Cancellation relates to the registration of Nikia S. White, an individual with an address at 6800 Corbin Avenue, #208, Reseda, California 91335 (“White”), for U.S. Registration No. 4,163,190 for CARBONSIX for “clothing, namely, tops, bottoms, headwear, coats, footwear and belts” in International Class 25, which registered on June 26, 2012 (the “White Mark”).

Yoga Smoga, Inc. (“Yoga”), a corporation with offices at 15 Broad Street, #2304, New York, New York 10005, believes that it would be damaged by the continued registration for the White Mark and hereby petitions for the cancellation of the same.

The grounds for the Petition for Cancellation are as follows:

1. Yoga is a corporation duly organized under the laws of the State of Delaware, having offices at 15 Broad Street, #2304, New York, New York 10005.

2. Yoga has filed Federal Trademark Application Serial No. 85/704,926 for CARBON 6 for a variety of goods in International Class 25, which has been refused on the grounds that it is confusingly similar to the White Mark.

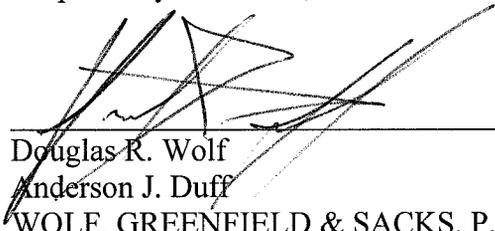
3. White has allowed Registration No. 3,149,338 for C6 CARBONSIX CHANGING THE STANDARD for clothing to lapse. This registration was canceled on April 26, 2013.

4. White has not filed the required § 9 renewal for Registration No. 3,218,492 for 6 CARBONSIX CHANGING THE STANDARD for clothing, which was due on or before March 13, 2013.

5. Upon information and belief, including review of White's website featuring CARBONSIX, White has abandoned the White Mark.

WHEREFORE, Yoga believes that it will be damaged by Registrant's Registration No. 4,163,190 and prays that this Petition for Cancellation of White's Registration No. 4,163,190 be granted and that judgment be entered against White.

Respectfully submitted,



Douglas R. Wolf
Anderson J. Duff
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Attorney for Petitioner
Yoga Smoga, Inc.

Date: June 13, 2013

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2013, I served a copy of PETITION FOR CANCELLATION, on the Registrant, via express mail, postage-prepaid, addressed to:

NIKIA S. WHITE
6800 CORBIN AVENUE #208
RESEDA, CALIFORNIA 91335



Douglas R. Wolf
Anderson J. Duff
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Attorney for Petitioner
Yoga Smoga, Inc.

Attorney Docket: Y0106.50001US00
Date: June 13, 2013

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STATUS

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Mark: CARBON 6

CARBON 6

US Serial Number: 85704926

Application Filing Date: Aug. 16, 2

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examir information and/or making an initial refusal. The applicant must respond to this Office action. To the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 13, 2012

Mark Information

Mark Literal Elements: CARBON 6

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or

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: pants, shorts, shirts, skirts, sweatshirts, sweatpants, swimsuits, sweat bands, leggings, leotards underwear, bras, unitards, wraps, wristbands, rainwear, skiwear, headwear, bandanas, headba

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

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

Current Owner(s) Information

Owner Name: Yoga Smoga, Inc.
 Owner Address: 15 Broad Street, #2304
 New York, NEW YORK 10005
 UNITED STATES
 Legal Entity Type: CORPORATION
 State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Douglas R. Wolf
 Docket Number: Y0106.200
 Attorney Primary Email drwtrademarks@wolfgreenfield.com
 Attorney Email Authorized: No
 Address:

Correspondent

Correspondent DOUGLAS R. WOLF
 Name/Address: WOLF, GREENFIELD & SACKS, P.C.
 600 ATLANTIC AVE FL 23
 BOSTON, MASSACHUSETTS 02210-2206
 UNITED STATES
 Phone: 617-646-8000
 Fax: 617-646-8
 Correspondent e-mail: drwtrademarks@wolfgreenfield.com
 Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 13, 2012	NON-FINAL ACTION MAILED	
Dec. 12, 2012	NON-FINAL ACTION WRITTEN	82087
Dec. 12, 2012	ASSIGNED TO EXAMINER	82087
Aug. 24, 2012	NOTICE OF PSEUDO MARK MAILED	
Aug. 23, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HENRY, NAKIA D

Law Office Assigned: LAW OFF

File Location

Current Location: TMO LAW OFFICE 111 - EXAMINING ATTORNEY
ASSIGNED

Date in Location: Dec. 12, 2

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load



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CARBON 6

Word Mark	CARBON 6
Goods and Services	IC 025. US 022 039. G & S: pants, shorts, shirts, skirts, sweatshirts, sweatpants, swimsuits, sweat bands, leggings, leotards, jackets, coats, body shapers, tights, underwear, bras, unitards, wraps, wristbands, rainwear, skiwear, headwear, bandanas, headbands, socks, footwear
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85704926
Filing Date	August 16, 2012
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Yoga Smoga, Inc. CORPORATION DELAWARE 15 Broad Street, #2304 New York NEW YORK 10005
Attorney of Record	Douglas R. Wolf
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE



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Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 85704926

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.3
Web interface last modified: Apr 8, 2013 v.2.3.3

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