

ESTTA Tracking number: **ESTTA551676**

Filing date: **08/01/2013**

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	Mobigame		
Entity	Partnership	Citizenship	France
Composed Of:	David Papazian, French citizen Matthieu Malot, French citizen		
Address	50 rue du faubourg saint antoine PARIS, 75012 FRANCE		

Correspondence information	David Papazian CEO Mobigame 50 rue du faubourg saint antoine PARIS, 75012 FRANCE david@mobigame.net Phone:33685126475
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Registration Subject to Cancellation

Registration No	4189489	Registration date	08/14/2012
Registrant	Hilium, LLC 619 Ridge Trace San Antonio, TX 78258 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2009/02/01 First Use In Commerce: 2009/02/01 All goods and services in the class are cancelled, namely: ON-LINE RETAIL STORE SERVICES FEATURING GENERAL MERCHANDISE; PROMOTING THE GOODS OF OTHERS THROUGH PROMOTIONAL CONTESTS ON A GLOBAL COMPUTER NETWORK
Class 041. First Use: 2009/02/01 First Use In Commerce: 2009/02/01 All goods and services in the class are cancelled, namely: ENTERTAINMENT SERVICES, NAMELY, PROVIDING ON-LINE COMPUTER GAMES; SWEEPSTAKES SERVICES PROVIDED OVER A GLOBAL COMPUTER NETWORK

Grounds for Cancellation

Genericness	Trademark Act section 23
Abandonment	Trademark Act section 14

Related Proceedings	this mark blocks our registration for serial 85881290
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Attachments	petition for cancellation.pdf(943745 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 Facsimile or email (by agreement only) on this date.

Signature	/David Papazian/
Name	David Papazian
Date	08/01/2013

Grounds for cancellation of registered mark 4189489

1. The specimen used for the registration was a fake, or is not valid anymore. It was the website scratchfever.com, but the screenshot below shows a generic website under maintenance.
2. The mark has never been used. See a google search below. The good and services of this mark are said to be "online games", it should necessarily appear on google.
3. The company who registered this mark, Hiliium LLC, does not seem to exist anymore, it was only a postal address in the Delaware.
4. The owner of the website scratchfever.com (the specimen used for the registration) is not Hiliium LCC.
5. The mark consists of the words "SCRATCH FEVER THERE IS NO CURE!". Our own trademark cannot be registered because we use 2 words on the 7 words of this mark ("!" counting as a word). However, pair of words like "THERE IS", "SCRATCH FEVER", "NO CURE", "THERE!" should not be blocked by this mark in our opinion. It's why we consider it as too generic.

Best regards,

David Papazian, CEO at Mobigame

Appendices

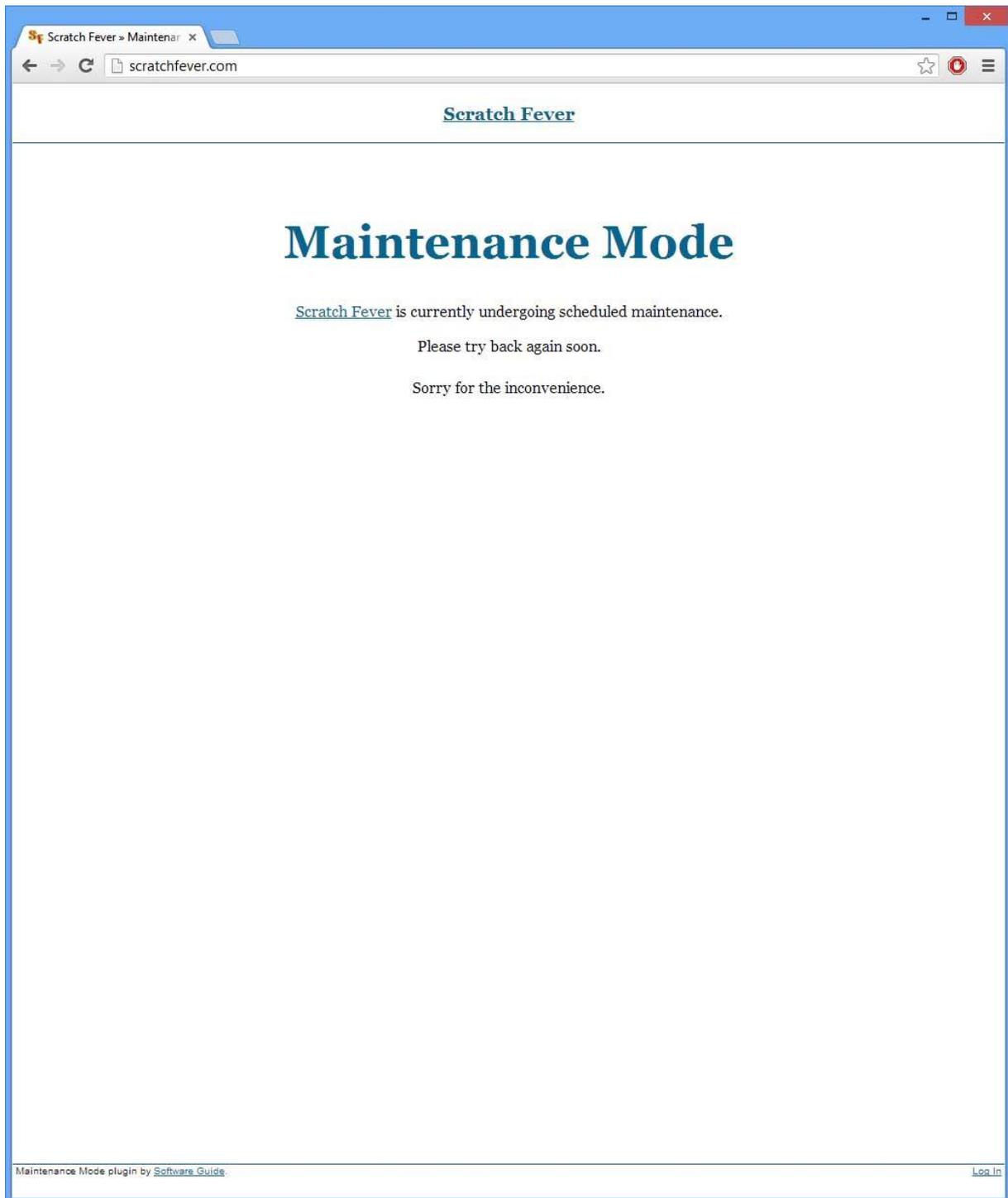
The screenshot shows a Firefox browser window displaying a Google search for "scratch fever there is no cure". The search results are filtered to the "Web" tab and show 7 results in 0.21 seconds. The results are:

- SCRATCH FEVER THERE IS NO CURE! Trademark - By: Hilium, LLC**
www.markhound.com > ... > Advertising and business > Traduire cette page
Trademark page for SCRATCH FEVER THERE IS NO CURE! created on October 13th, 2011 at the USPTO. This is a free trademark search site.
- uspto issues trademark: scratch fever there is no cure! - HighBeam ...**
www.highbeam.com > ... > August 16, 2012 > Traduire cette page
16 août 2012 - 16 -- The trademark SCRATCH FEVER THERE IS NO CURE! (Reg. No. 4189489) was... | Article from US Fed News Service, Including US ...
- SCRATCH FEVER THERE IS NO CURE! US Trademarks | US ...**
www.trademarken.com/.../SCRATCH%20FEVER%20... - Traduire cette page
Get more information on SCRATCH FEVER THERE IS NO CURE! US Trademarks.
- SCRATCH FEVER THERE IS NO CURE! by Hilium, LLC Trade Mark ...**
www.acuteip.com/trademarks/case/85446804 - Traduire cette page
Details. Owner Hilium, LLC. Correspondent DREW ALIA, ESQ., ALIA LAW GROUP, 1518 WALNUT ST FL 15, PHILADELPHIA, PA 19102-3419.
- Hilium, LLC - Free Trademark Search | Protect Business Name ...**
www.legalforce.com/company-hilium-llc-3779808-p... > Traduire cette page
Primary Class: Advertising; business management; business administration; office functions. Details SCRATCH FEVER THERE IS NO CURE!
- I'm in XR7G heaven! - Mercurycougar.net**
www.mercurycougar.net/forums/showthread.php?... > Traduire cette page
24 janv. 2005 - 13 messages - 10 auteurs
Really a nice car, now you've got cat **scratch fever**. **There is no cure**, divorce, bankruptcy, nothing but another Cougar! Old Wood 69 Shelby ...
- scratch fever there is no cure! (Marca registrada en Estados Unido...**
es.unibrander.com/.../scratch-fever-there-is-no-cure.h... > Traduire cette page
... negocios comerciales; administración comercial; trabajos de oficina. <http://es.unibrander.com/estados-unidos/1373920US/scratch-fever-there-is-no-cure.html>.

Afin d'afficher les résultats les plus pertinents, nous avons omis quelques entrées qui sont très similaires aux 7 entrées actuelles. Si vous le souhaitez, vous pouvez [relancer la recherche pour inclure les résultats omis](#).

At the bottom of the page, there are links for "Aide", "Envoyer des commentaires", and "Confidentialité et conditions d'utilisation".

7 results for this mark, only related to the trademark registration. No real service.



The same url (scratchfever.com) used as in the specimen sent to the USPTO. No service

ScratchFever.com - Scratch x
 whois.domaintools.com/scratchfever.com

Open a FREE Account | Log In | Help

DomainTools

Enter a domain name Whois Search Search

HOME RESEARCH MONITOR BUY DOMAINS LEARN OPEN AN ACCOUNT

Whois > ScratchFever.com

ScratchFever.com Whois Record

Whois Record Site Profile Registration Server Stats For Sale

Reverse Whois: **"Domain Privacy Group" owns about 348,311 other domains**
 Email Search: support@mydomain-inc.com is associated with about 526,568 domains

Registrar History: **5 registrars** with 1 drop.
 NS History: **17 changes** on 10 unique name servers over 9 years.
 IP History: **31 changes** on 22 unique IP addresses over 9 years.
 Whois History: **48 records** have been archived since 2007-08-29.
 Reverse IP: **25 other sites** hosted on this server.

Log In or Create a FREE account to start monitoring this domain name
 Preview the complete [Domain Report for scratchfever.com](#)

Registrant:
 Domain Privacy Group
 10 Corporate Drive
 Suite 300
 Burlington, MA 01803
 US

Domain name: SCRATCHFEVER.COM

Administrative Contact:
 Privacy Group, Domain scratchfever.com@domainprivacygroup.com
 10 Corporate Drive
 Suite 300
 Burlington, MA 01803
 US
 +1.6027165339

Technical Contact:
 Privacy Group, Domain scratchfever.com@domainprivacygroup.com
 10 Corporate Drive
 Suite 300
 Burlington, MA 01803
 US
 +1.6027165339

Registration Service Provider:
 MyDomain, support@mydomain-inc.com
 +1.8004057875
 This company may be contacted for domain login/passwords,
 DNS/Nameserver changes, and general domain support questions.

Registrar of Record: Domain.com
 Record last updated on 19-May-2013.
 Record expires on 03-Jun-2014.
 Record created on 03-Jun-2004.

Domain servers in listed order:
 NS1.KYKA.COM
 NS2.KYKA.COM

Domain status: clientTransferProhibited
 clientUpdateProhibited

This domain's privacy is protected by domainprivacygroup.com. To reach the
 please go to <http://www.domainprivacygroup.com> and follow the instructions.

[Backorder this domain](#) or [Hire a domain broker](#)

Maintenance Mode

Country TLDs General TLDs

Available domains for registration:

ScratchFever.at [Register](#)

ScratchFever.be [Register](#)

ScratchFever.ch [Register](#)

ScratchFever.cn [Register](#)

ScratchFever.co.uk [Register](#)

ScratchFever.de [Register](#)

ScratchFever.dk [Register](#)

ScratchFever.es [Register](#)

ScratchFever.eu [Register](#)

ScratchFever.fr [Register](#)

[Register All Selected >](#) [Show all \(19\) >](#)

The current owner of this website (it's not the registrant of the mark)



Department of State: Division of Corporations

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SERVICES

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- Entity Search
- Status
- Validate Certificate
- Customer Service
- Survey

INFORMATION

- Corporate Forms
- Corporate Fees
- UCC Forms and Fees
- Taxes
- Expedited Services
- Service of Process
- Registered Agents
- Get Corporate Status
- Submitting a Request
- How to Form a New Business Entity
- Certifications, Apostilles & Authentication of Documents

[Frequently Asked Questions](#) [View Search Results](#)

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number:	4508468	Incorporation Date / Formation Date:	02/22/2008 (mm/dd/yyyy)
Entity Name:	HILIUM LLC		
Entity Kind:	LIMITED LIABILITY COMPANY (LLC)	Entity Type:	GENERAL
Residency:	DOMESTIC	State:	DE

REGISTERED AGENT INFORMATION

Name:	INCFILE.COM LLC		
Address:	1679 S. DUPONT HWY SUITE 100		
City:	DOVER	County:	KENT
State:	DE	Postal Code:	19901
Phone:	(888)462-3453		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like Status Status, Tax & History Information

To contact a Delaware Online Agent [click here](#).

Hilium LCC was incorporated in 2008 in the Delaware, but it's not longer active