

ESTTA Tracking number: **ESTTA556549**

Filing date: **08/28/2013**

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	Fathead, LLC		
Entity	Corporation	Citizenship	Delaware
Address	1046 Woodward Ave. Legal Team Detroit, MI 48226 UNITED STATES		

Correspondence information	Brian D Wassom Honigman Miller Schwartz and Cohn LLP 39400 Woodward Ave. Suite 101 Bloomfield Hills, MI 48304 UNITED STATES bdw@honigman.com,tmdocketing@honigman.com Phone:2485668490		
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### Registration Subject to Cancellation

Registration No	2906987	Registration date	11/30/2004
Registrant	MENCANIN, STEVE 25611 Blossom Park Lake Forest, CA 92630 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 025. First Use: 2000/07/01 First Use In Commerce: 2000/07/01 All goods and services in the class are cancelled, namely: men's and women's clothing namely, shirts, sweat shirts, t-shirts, tank tops, pants, snow pants, jackets, sport coats, shorts, hats and beanies
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### Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	fathead short statement.pdf(4781 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 Overnight Courier on this date.

Signature	/Brian D. Wassom/
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Name	Brian D Wassom
Date	08/28/2013

In the Matter of Registration No. 2,906,987  
For the Mark: FATHEAD  
Date Registered: Nov. 30, 2004

Fathead, LLC  
Petitioner,

v.

Steve Mencanin,  
Registrant.

Petitioner, Fathead, LLC, a Delaware corporation located at 1046 Woodward Avenue (Legal Team), Detroit MI 48226, believes that it will be damaged by the continued existence of Registration No. 2,906,987 for the mark FATHEAD, issued Nov. 30, 2004, and therefore petitions to cancel the same pursuant to Section 14 of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064.

As grounds for cancellation, Petitioner, by its attorneys Honigman Miller Schwartz and Cohn LLP, alleges as follows:

1. Petitioner believes that Registrant has abandoned is registration by ceasing to sell goods bearing the registered mark, and that Registrant's mark has lost all capacity as source indicator for Registrant's services.

2. Petitioner believes that Registrant has committed fraud upon the U.S. Patent and Trademark Office by applying to register the mark in relation to goods on which Registrant does not use the mark.

Wherefore, Petitioner respectfully requests that Registration No. 2,906,987 be cancelled.

Respectfully submitted,

/Brian D. Wassom/

Attorney for Petitioner  
Dated: August 28, 2013