

ESTTA Tracking number: **ESTTA560427**

Filing date: **09/19/2013**

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	Deepak Vasandani		
Entity	Individual	Citizenship	UNITED STATES
Address	3437 Jack Northrop Ave. Hawthorne, CA 90250 UNITED STATES		

Attorney information	Milord A. Keshishian Milord & Associates, P.C. 2049 Century Park East, Suite 3850 Los Angeles, CA 90067 UNITED STATES uspto@milordlaw.com, stephanie@milordlaw.com Phone:310-226-7878		
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Registration Subject to Cancellation

Registration No	4188070	Registration date	08/07/2012
Registrant	Royal Cup, Inc. 160 Cleage Drive Birmingham, AL 35217 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2012/03/07 First Use In Commerce: 2012/03/07 All goods and services in the class are cancelled, namely: coffee and coffee pods

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.	85781205	Application Date	11/16/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ROAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2011/02/00 First Use In Commerce: 2011/02/00 Bottled water		

Attachments	VAS06-055T Cancellation Petition.pdf(14659 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	/Milord A. Keshishian/
Name	Milord A. Keshishian
Date	09/19/2013

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

VASANDANI, DEEPAK.)	Registration No. 4,188,070
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
ROYAL CUP, INC.)	
)	
Registrant.)	
)	
_____)	

PETITION FOR CANCELLATION

Commissioner for Trademarks
BOX TTAB
P.O. Box 1451
Arlington, VA 22313-1451

Petitioner, Deepak Vasandani (“Vasandani” or “Petitioner”), an individual having an address of 3437 Jack Northrop Ave., Hawthorne, California, 90250, believing that he is and will continue to be damaged by the existence of Registration No. 4,188,070 hereby petitions to cancel the same.

As grounds for this Petition, it is alleged that:

1. Petitioner is and, since at least February of 2011, has been engaged in the promotion, advertising, and distribution of bottled water. In connection therewith, Petitioner has used in interstate commerce the ROAR trademark since long prior to Registrant's application date or any priority date on which Registrant can legally rely.

2. Petitioner has invested a great deal of time, money and effort in promoting Petitioner's business and the professional quality of its goods, and is continuing to spend substantial amounts of time and money in the promotion of the same.

3. On November 16, 2012, Petitioner filed a trademark application on the Principal Register for the mark ROAR, assigned Serial No. 85/781,205, in International Class 32 for bottled water. As discussed below, Petitioner's application was refused by the USPTO on the basis that there is a likelihood of confusion between Petitioner's mark and Registrant's Reg. No. 4,188,070.

4. To the best of Petitioner's knowledge, the name and address of the current owner of the ROAR registration is Royal Cup, Inc., a Delaware Corporation, having a principal place of business at 160 Cleage Drive, Birmingham, Alabama, 35217.

5. On September 13, 2011, Registrant filed an intent-to-use application, assigned Serial No. 85/421,460, to register the mark ROAR, for use with coffee and coffee pods International Class 32.

6. On May 2, 2012, Registrant filed a Statement of Use to allege a date of first use of the mark on March 7, 2012.

7. On August 7, 2012, the ROAR mark was granted registration.

8. The trademark ROAR is confusingly similar to Petitioner's senior trademarks for ROAR, and its registration and use by Registrant on its goods is likely to cause confusion, deception and mistake, all to Petitioner's damage.

9. In view of the above allegations, Registrant is not entitled to continued registration of its alleged mark.

WHEREFORE, Petitioner believes that it will be damaged by said registration and prays

that it be cancelled.

The filing fee of this Cancellation in the amount of \$ 300.00 is paid by credit card.

Respectfully submitted,

Dated: September 19, 2013

/Milord A. Keshishian/
Milord A. Keshishian, Esq.
MILORD & ASSOCIATES, PC
2049 Century Park East, Suite 3850
Los Angeles, CA 90067

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 19, 2013, I caused a true and correct copy of the foregoing **PETITION FOR CANCELLATION** to be sent via First Class Mail, postage prepaid, to Registrant's Attorney and Correspondence of Record as follows:

India Vincent, Esq.
Burr & Forman, LLP
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