

ESTTA Tracking number: **ESTTA561012**

Filing date: **09/24/2013**

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 | Riverbend Commercial Title Agency Limited Partnership | | |
| Entity | Partnership | Citizenship | Ohio |
| Composed Of: | Riverbend Commercial Title Agency Inc., Ohio corporation and Keating Muething & Klekamp PLL, Ohio partnership | | |
| Address | One East Fourth Street Suite 1400 Cincinnati, OH 45202 UNITED STATES | | |

| | | | |
|----------------------|--|--|--|
| Attorney information | Cheryl S. Scotney Keating Muething & Klekamp PLL One East Fourth Street Suite 1400 Cincinnati, OH 45202 UNITED STATES trademarks@kmlaw.com, cscotney@kmlaw.com Phone:513-579-6942 | | |
|----------------------|--|--|--|

Registrations Subject to Cancellation

| | | | |
|-----------------|--|-------------------|------------|
| Registration No | 4167542 | Registration date | 07/03/2012 |
| Registrant | River Bend Center, LLC One Omega Drive Stamford, CT 06907 UNITED STATES | | |

Goods/Services Subject to Cancellation

| |
|---|
| Class 036. First Use: 1998/12/31 First Use In Commerce: 1998/12/31 All goods and services in the class are cancelled, namely: Real estate services, namely, rental, brokerage, leasing and management of commercial property, offices and office space |
|---|

Grounds for Cancellation

| | | | |
|--------------------------------------|--|-------------------|------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) | | |
| Registration No | 4193538 | Registration date | 08/21/2012 |
| Registrant | River Bend Center, LLC One Omega Drive Stamford, CT 06907 UNITED STATES | | |

Goods/Services Subject to Cancellation

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|---|
| Class 036. First Use: 1998/12/31 First Use In Commerce: 1998/12/31 All goods and services in the class are cancelled, namely: Real estate services, namely, rental, brokerage, leasing and management of commercial property, offices and office space |
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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

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|----------------------|---|-----------------------|------------|
| U.S. Application No. | 85686739 | Application Date | 07/25/2012 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | RIVERBEND COMMERCIAL TITLE AGENCY | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 036. First use: First Use: 1987/07/14 First Use In Commerce: 1987/07/14 Real estate escrow services; Real estate title insurance underwriting services Class 045. First use: First Use: 1987/07/14 First Use In Commerce: 1987/07/14 Preparing and organizing loan closing documents; Real estate closing services | | |

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|-------------|--|
| Attachments | Petition to Cancel.pdf(2113092 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 | /Cheryl S. Scotney/ |
| Name | Cheryl S. Scotney |
| Date | 09/24/2013 |

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

| | | |
|--|---|------------------------------------|
| Riverbend Commercial Title Agency Limited Partnership |) | |
| |) | PETITION TO CANCEL |
| Petitioner, |) | Cancellation No. _____ |
| |) | |
| v. |) | Registration No. 4167542 |
| |) | Mark: RIVER BEND |
| |) | Filing Date: November 3, 2011 |
| |) | Registration Date: July 3, 2012 |
| |) | |
| River Bend Center, LLC |) | Registration No. 4193538 |
| |) | Mark: RIVER BEND CENTER |
| Registrant. |) | Filing Date: November 3, 2011 |
| |) | Registration Date: August 21, 2012 |

PETITION TO CANCEL

Riverbend Commercial Title Agency Limited Partnership (“Petitioner”), an Ohio limited partnership, with its principal offices located at One East Fourth Street, Suite 1400, Cincinnati, Ohio 45202, believes it will be damaged by the continued registration of Registration Nos. 4167542 and 4193538, for the marks RIVER BEND and RIVER BEND CENTER, owned by River Bend Center, LLC (“Registrant”), a Connecticut limited liability company with an address of One Omega Drive, Stamford, Connecticut 06907. Petitioner hereby petitions The Commissioner of Trademarks to cancel Registration Nos. 4167542 and 4193538 with respect to the all the services listed in the recitation of services for the registrations, in accordance with 15 U.S.C. § 1064.

As grounds for the Petition to Cancel, Petitioner alleges that:

1. Petitioner is an Ohio limited partnership with its principal place of business at One East Fourth Street, Suite 1400, Cincinnati, Ohio 45202.

2. Petitioner is a long-established title insurance agency and title company engaged in real estate escrow services, real estate title insurance underwriting services and real estate closing services including preparation, organization and issuance of title insurance policies.

3. Since at least as early as July 14, 1987, Petitioner has provided the above mentioned services under the RIVERBEND COMMERCIAL TITLE AGENCY trademark.

4. Petitioner has continuously and extensively used the RIVERBEND COMMERCIAL TITLE AGENCY mark in commerce in multiple states in connection with the above mentioned services since at least as early as July 14, 1987.

5. Petitioner filed a federal trademark application on July 18, 2012 for the mark RIVERBEND COMMERCIAL TITLE AGENCY. The application was denied registration pursuant to Trademark Act Section 2(d), 15 U.S.C. §1052(d) based upon Registrant's registrations for the marks RIVER BEND and RIVER BEND CENTER.

6. Petitioner has, for more than 25 years, enjoyed sales and has spent money in advertising and promoting the services specified in the application in connection with its RIVERBEND COMMERCIAL TITLE AGENCY mark.

7. The US registrations that Petitioner hereby seeks to cancel for RIVER BEND and RIVER BEND CENTER were both filed on November 3, 2011 for use with "real estate services, namely, rental, brokerage, leasing and management of commercial property, offices and office space" and registered on July 3, 2012 and August 21, 2012, respectively.

8. Registrant attested in its federal trademark applications that its date of first use for RIVER BEND and RIVER BEND CENTER was at least as early as December 31, 1998.

9. Upon information and belief, based on a reasonable investigation, Registrant filed for registration of the trademarks RIVER BEND and RIVER BEND CENTER and began use of the trademarks RIVER BEND and RIVER BEND CENTER after Petitioner's first use dates in the US.

10. Registrant's continued use and registration of the marks are likely to confuse consumers into believing that Registrant's use of RIVER BEND and RIVER BEND CENTER is that of Petitioner's.

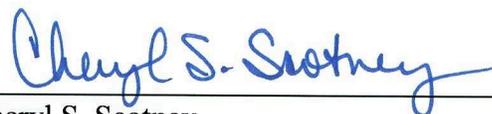
11. Petitioner is being and will be further damaged by the continued registration of the RIVER BEND and RIVER BEND CENTER marks. Further, Petitioner's application for its RIVERBEND COMMERCIAL TITLE AGENCY mark will be impaired by the continued registration of Registrant's RIVER BEND and RIVER BEND CENTER trademarks.

WHEREFORE, Petitioner requests that this Petition be granted and that Registration Nos. 4167542 and 4193538 for the marks RIVER BEND and RIVER BEND CENTER be cancelled with respect to all the services listed in the respective registrations pursuant to 15 U.S.C. § 1064.

If the filing fee is found to be insufficient for any reason, please charge the deficiency to Deposit Account No. 500735.

Dated: Sept. 24, 2013

Respectfully submitted,



Cheryl S. Scotney
KEATING MUETHING & KLEKAMP PLL

One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202
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fax: (513) 579-6457
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Attorney for Petitioner
Riverbend Commercial Title Agency Limited
Partnership

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing PETITION TO CANCEL was served by first class mail, postage prepaid, on September 24, 2013 upon Registrant:

River Bend Center, LLC
One Omega Drive
Stamford, CT 06907

Kathleen M. Bender
Kathleen M. Bender

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