

ESTTA Tracking number: **ESTTA572682**

Filing date: **11/22/2013**

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	Carina Wood		
Entity	Individual	Citizenship	UNITED STATES
Address	1000 Stinson Way STE 103 West Palm Beach, FL 33411 UNITED STATES		

Attorney information	LUKE BREAN BREANLAW, LLC P.O. Box 4120, ECM #72065 PORTLAND, OR 97211 UNITED STATES luke@breanlaw.com Phone:800-451-5815		
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Registration Subject to Cancellation

Registration No	1972338	Registration date	05/07/1996
Registrant	VALLIN, BO 40 West 57th Street New York, NY 10019 USX		

Goods/Services Subject to Cancellation

<p>Class 042. First Use: 1955/01/20 First Use In Commerce: 1955/01/20 All goods and services in the class are cancelled, namely: mail order services and retail sportinggoods store services featuring athletic equipment and accessories, namely bicycles, motorcycles, scuba diving gear, weight lifting equipment, exercise equipment, gymnastic equipment, athletic wearing apparel, outerwear, swimwear, rainwear, gloves, mitts and footwear, sporting accessories, namely ski and swim goggles, sunglasses, bags and cases for carrying sporting equipment</p>

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	SCANDINAVIAN.pdf(87662 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	/LB/
Name	LUKE BREAN
Date	11/22/2013

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

In the matter of Registration No. 1972338

Carina Wood

Petitioner,

v.

Bo Vallin

Respondent.

PETITION TO CANCEL

Carina Wood, an individual having an address at 1000 Stinson Way STE 103, West Palm Beach, Florida 33411 (“Petitioner”), believes she will be damaged by Bo Vallin’s (“Respondent”) U.S. Registration No. 1972338 for the mark SCANDINAVIAN (and design) in Class 042, for, “mail order services and retail sporting goods store services featuring athletic equipment and accessories, namely bicycles, motorcycles, scuba diving gear, weight lifting equipment, exercise equipment, gymnastic equipment, athletic wearing apparel, outerwear, swimwear, rainwear, gloves, mitts and footwear, sporting accessories, namely ski and swim goggles, sunglasses, bags and cases for carrying sporting equipment” and hereby petitions to cancel the registration ration of said mark. In support thereof the petitioner states as follows:

1. Upon information and belief, the name of the current owner of the registration is Bo Vallin, an individual with an address of 40 West 57th Street, New York, NY 10019, United States (“Respondent”).
2. On October 3, 1994 Respondent filed a trademark application seeking registration for the mark SCANDINAVIAN (and design) in connection with “mail order services and retail sporting goods store services featuring athletic equipment and accessories, namely bicycles, motorcycles, scuba diving gear, weight lifting equipment, exercise equipment, gymnastic equipment, athletic wearing apparel, outerwear, swimwear, rainwear, gloves, mitts and footwear, sporting accessories,

namely ski and swim goggles, sunglasses, bags and cases for carrying sporting equipment” in Class 042. The application was assigned Application Serial No. 74581205. Respondent's application was granted registration on May 7, 1996 and issued under Registration No. 1972338.

3. Petitioner filed an application for registration of the mark THE SCANDINAVIAN COMPANY on February 6, 2013 for “Retail store services featuring a wide variety of consumer goods of others.”

4. On May 23, 2013 the United States Patent and Trademark Office issued an Office Action in connection with Petitioner's Application Serial No. 85842564 stating, inter alia, Registration of the applied-for mark is refused because of a likelihood of confusion with U.S. Registration No. 1972338. Trademark Act Section 2(d), 15 U.S.C.A. § 1052(d); see TMEP §§ 1207.01 *et seq.*

5. Petitioner is being harmed by the Registration because the PTO Examining Attorney has refused the Application for registration.

COUNT I: MARK HAS BEEN ABANDONED

6. Petitioner repeats and incorporates herein by reference the averments in the preceding paragraphs.

7. Upon information and belief, Registrant is not currently using, and has not used for at least the past two years, and possibly longer, the SCANDINAVIAN (and design) mark as a trademark designating the source of “mail order services and retail sporting goods store services featuring athletic equipment and accessories, namely bicycles, motorcycles, scuba diving gear, weight lifting equipment, exercise equipment, gymnastic equipment, athletic wearing apparel, outerwear, swimwear, rainwear, gloves, mitts and footwear, sporting accessories, namely ski and swim goggles, sunglasses, bags and cases for carrying sporting equipment” in Class 042.

PRAYER FOR RELIEF

WHEREFORE, No. 1972338 be cancelled as it relates to the goods for which it is registered.

The filing fee of \$300 for this Petition to Cancel is being submitted electronically with this Notice.

Respectfully submitted,

Carina Wood

By her Attorneys
Luke Brean, Esq.

BreanLaw, LLC
P.O. Box 4120
ECM #72065
Portland, Oregon 97208
800-451-5815
luke@breanlaw.com

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that the foregoing PETITION TO CANCEL is being submitted electronically through the Trademark Trial and Appeal Board's ESTTA System on this November 22, 2013.

Luke Brean, Esq.

BreanLaw, LLC
P.O. Box 4120
ECM #72065
Portland, Oregon 97208

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PETITION TO CANCEL is being deposited with the U.S. Postal Service with sufficient postage as certified first-class mail this November 22, 2013 in an envelope addressed to the Registrant:

Bo Vallin
40 West 57th Street
New York, NY 10019

Luke Brean, Esq.

BreanLaw, LLC
P.O. Box 4120
ECM #72065
Portland, Oregon 97208