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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	NTC Research Foundation Earl Eames		
Entity	Corporation	Citizenship	Minnesota
Address	2733 Park Avenue Minneapolis, MN 55407 UNITED STATES		

Attorney information	Gregory Perleberg Buchalter Nemer 1000 Wilshire Blvd., Suite 1500 Los Angeles, CA 90017 UNITED STATES trademark@buchalter.com, gperleberg@buchalter.com Phone:2138910700		
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### Registrations Subject to Cancellation

Registration No	4042122	Registration date	10/18/2011
Registrant	PUBLIC/PRIVATE VENTURES Suite 600 Philadelphia, PA 19103 PANAMA		

### Goods/Services Subject to Cancellation

Class 035. First Use: 2008/10/01 First Use In Commerce: 2008/10/01 All goods and services in the class are cancelled, namely: PUBLIC POLICY RESEARCH SERVICES
Class 041. First Use: 2008/10/01 First Use In Commerce: 2008/10/01 All goods and services in the class are cancelled, namely: EDUCATIONAL SERVICES, NAMELY, PROVIDING MENTORING, TUTORING, HOMEWORK ASSISTANCE, AND ACADEMIC ENRICHMENT PROGRAMS IN THE FIELDS OF MATH, SCIENCE, HISTORY, THEARTS, AND LITERACY THAT SUPPORT AND SUPPLEMENT IN-SCHOOL EDUCATION FOR DISADVANTAGED CHILDREN AND THEIR FAMILIES; ORGANIZING COMMUNITY CULTURAL AND SOCIAL EVENTS THAT SUPPORT AND SUPPLEMENT IN-SCHOOL EDUCATION FOR DISADVANTAGED CHILDREN AND THEIR FAMILIES; EDUCATIONAL SERVICES, NAMELY, PROVIDING CLASSES IN THE FIELDS OF FINANCIAL LITERACY AND ENGLISH-LANGUAGE INSTRUCTION TO PARENTS OF SCHOOL-AGE CHILDREN; EDUCATIONAL SERVICES, NAMELY, PROVIDING CLASSES, TUTORING AND MENTORING TO PARENTS OF SCHOOL-AGE CHILDREN IN THE FIELDS OF VOCATIONAL GUIDANCE, CAREER COUNSELING AND PUBLIC SERVICES; AND PROVIDING INFORMATION IN THE FIELD OF EMPLOYMENT TRAINING TO PARENTS OF SCHOOL-AGE CHILDREN
Class 044. First Use: 2008/10/01 First Use In Commerce: 2008/10/01 All goods and services in the class are cancelled, namely: HEALTHCARE SERVICES, NAMELY, PROVIDING PRIMARY CARE, MENTAL HEALTH AND DENTAL CARE TO STUDENTS AS PART OF A LARGER SET OF INTEGRATED SCHOOL SERVICES

## Grounds for Cancellation

Abandonment		Trademark Act section 14	
Registration No	3855431	Registration date	10/05/2010
Registrant	Public/Private Ventures Suite 600 Philadelphia, PA 19103 PANAMA		

## Goods/Services Subject to Cancellation

Class 035. First Use: 2008/10/00 First Use In Commerce: 2008/10/00 All goods and services in the class are cancelled, namely: Public policy research services
Class 041. First Use: 2008/10/00 First Use In Commerce: 2008/10/00 All goods and services in the class are cancelled, namely: Educational services, namely, providing mentoring, tutoring, homework assistance, and academic enrichment programs in the fields of math, science, history, the arts, and literacy that support and supplement in-school education for disadvantaged children and their families; organizing community cultural and social events that support and supplement in-school education for disadvantaged children and their families; educational services, namely, providing classes in the fields of financial literacy and English-language instruction to parents of school-age children; educational services, namely, providing classes, tutoring and mentoring to parents of school-age children in the fields of vocational guidance, career counseling and public services; and providing information in the field of employment training to parents of school-age children
Class 044. First Use: 2008/10/00 First Use In Commerce: 2008/10/00 All goods and services in the class are cancelled, namely: Healthcare services, namely, providing primary care, mental health and dental care to students as part of a larger set of integrated school services

## Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	NTC Cancellation.pdf(42510 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	/gregory perleberg/
Name	Gregory Perleberg
Date	12/23/2013



namely, live professional theater and on-going television and internet programming designed for K-12 students and educators incorporating video, live actors and interactive components, in the field of important and timely curricular subjects such as conservation, the environment, health care, financial literacy, smoking prevention, nutrition, recycling, bullying, science, technology, engineering, and mathematics, primarily delivered onsite to children at schools via mobile cinema facilities” in International Class 41 under U.S. Trademark Application Serial No. 85735460.

2. Petitioner’s application was refused, in part, under § 2(d) [15 U.S.C. § 1052(d)] of the Trademark Act, whereby the Examining Attorney has alleged that Petitioner’s mark is confusingly similar to Registrant’s above-identified Registrations.

3. Petitioner will be damaged by the continued registration of the marks shown in the Registrations because such continued registration may prevent Petitioner from registering its ELEVATION EDUCATION mark shown in the Application.

### **ABANDONMENT OF THE REGISTRATIONS**

4. Petitioner has performed a search of publicly available resources to determine whether Registrant is currently using the marks in the Registrations. Upon information and belief, Registrant has ceased use of the marks shown in the Registrations in connection with the services identified therein, with the intent not to resume use.

5. On April 3, 2013, Gregory Perleberg, attorney of record for U.S. Trademark Application Serial No. 85735460, received an email from Tristram Fall, attorney of record for Registration Nos. 4042122 and 3855431 indicating that Registrant Public/Private Ventures is out of business.

6. Exhibit 1 is a copy of the April 3, 2013 email.

7. The same email (Exhibit 1) included a link to a press release issued by Registrant Public/Private Ventures on May 2, 2012, which explained that Registrant Public/Private Ventures would cease operations on or about July 31<sup>st</sup>.

9. Exhibit 2 is a copy of the press release issued by Registrant Public/Private Ventures.

10. Because the Registrations have been abandoned, Petitioner is entitled to cancellation of the Registrations pursuant to §14(3) of the United States Trademark Act, 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner prays for judgment granting this petition and cancelling Registration Nos. 4042122 and 3855431.

Please direct all correspondence and communications in this cancellation to the undersigned. The Patent and Trademark Office is authorized to charge the filing fee to Deposit Account No. 500977.

Date: December 23, 2013

Respectfully Submitted,

**NTC Research Foundation**

/gperleberg/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2013, I served a copy of the foregoing Petition to Cancel on the Registrant by mailing a copy thereof by First Class Mail, postage prepaid, addressed to Registrant at Registrant's correspondence address of record in the records of the Patent and Trademark Office as follows:

TRISTRAM R. FALL, III, ESQUIRE  
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PO BOX 5231  
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/gperleberg/  
Gregory B. Perleberg, Esq.