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Filing date: **02/24/2014**

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	Trice Imaging, Inc.		
Entity	Corporation	Citizenship	CA
Address	1343 Stratford Ct Del Mar, CA 92014 UNITED STATES		

Attorney information	Scott H. Davison 525 B Street, Suite 2200 SAN DIEGO, CA 92101 UNITED STATES docketing@procopio.com,scott.davison@procopio.com,angelica.zepeda@procopio.com,noel.gillespie@procopio.com Phone:760.444.1747		
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Registration Subject to Cancellation

Registration No	3436282	Registration date	05/27/2008
Registrant	Trice Logistics Company Limited 123 Buckingham Palace Road GBX GB3		

Goods/Services Subject to Cancellation

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: advertising; business management; business administration
Class 039. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: travel arrangement
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: design and development of computer hardware
Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: medical services; veterinary services

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Trice_Cancellation_Statement.pdf(660168 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	/Scott H. Davison/
Name	Scott H. Davison
Date	02/24/2014

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

In the Matter of Trademark

Registration No. 3436282

Registered: May 27, 2008

Principal Register by Trice Logistics
Company Limited

For: advertising, business management,
business administration; travel
arrangement; design and development
of computer hardware; medical
services, veterinary services

International Classes: 035, 039, 042,
044

Trice Imaging, Inc.,

Petitioner,

v.

Trice Logistics Company, Ltd.,

Registrant.

Cancellation No.: TBD

PETITION FOR CANCELLATION

Trice Imaging, Inc., having a principal place of business at 1343 Stratford Ct, Del Mar, CA 92014, believes it has been, and will continue to be damaged by U.S. Registration No. 3436282 (“the ‘282 registration”) and hereby petitions to cancel such registration pursuant to the provisions of 15 USC §1064 and hereby appoints the law firm of Procopio Cory Hargreaves & Savitch LLP as its attorneys with full power of substitution and revocation, to present this Petition for

Cancellation and to transact all business before the United States Patent and Trademark Office connected herewith.

As grounds for this Petition, Petitioner alleges:

1. That the Petitioner, Trice Imaging, Inc., is a California corporation having a principal place of business at 1343 Stratford Ct, Del Mar, CA 92014.

2. That the Respondent, Trice Logistics Company, Limited, is a now-dissolved British corporation having a principal place of business at 123 Buckingham Palace Road, London SW1W 9SR, United Kingdom.

3. That Petitioner, in connection with the operation of its business activities, has on April 30, 2013 filed an application for registration of “Trice” as a trademark in Class 38 for telecommunications services and Class 42 for computer services, Application Serial No. 85/919,635; and has on April 30, 2013 filed an application for registration of “Tricefy” as its trademark in Class 38 for telecommunications services and Class 42 for computer services, Application Serial No. 85/919,643.

4. On information and belief the Petitioner has continuously used and advertised said marks in interstate commerce in connection with the promotion and sales of its aforesaid goods; that the aforesaid marks are valid, subsisting and

owned by Petitioner and is known and recognized by a significant portion of the public as identifying the products of Petitioner, and therefore said mark and the goodwill associated therewith are valuable assets of the Petitioner.

5. That Respondent's "Trice" mark and registration thereof has been cited by the Trademark Examiner as an impediment to Petitioner's Application No. 85/919,635 to register the "Trice" mark and as an impediment to Petitioner's Application No. 85/919,643 to register the "Tricefy" mark, thereby precluding favorable action on the issuance of said applications into mature registrations. That this inability to obtain a registration results in loss of revenue to Petitioner and damage to its goodwill by precluding Petitioner from successfully engaging in certain business ventures.

6. Upon information and belief, Respondent and for its predecessors in interest have failed to use or discontinued use of the "Trice" trademark of the '282 registration for the "design and development of computer hardware" and/or for all of the registered goods in international classes 035, 039, 042 and 044 for a period of at least 3 years. Attached as evidence of said discontinued use is Exhibit 1, the official Company Details of Trice Logistics Company Limited obtained from Companies House, the official U.K. government agency responsible for listing corporate information. The Company Details indicates that Trice Logistics

Company Limited was dissolved as of December 13, 2010.

7. Upon information and belief, Respondent's discontinuance of use of said "Trice" trademark of the '282 registration for the "design and development of computer hardware" and/or all of the registered goods has been intentional and without intent to resume use of the said trademark in connection with the "design and development of computer hardware" or any of the registered goods.

8. Upon information and belief, Respondent has abandoned the right to the "Trice" trademark of the '282 registration through non-use of the mark on goods in a trademark sense with the express or implied intent not to continue use in a trademark sense.

9. That on information and belief, Respondent's '282 registration is invalid by failure to use it in a bona-fide trademark sense in interstate commerce, and by virtue of prima facie abandonment.

10. That by virtue of Petitioner's current use of, and pending Applications for "Trice" and "Tricefy," and for the other reasons of Respondent's non-use, abandonment and the invalidity of its aforesaid registration specified above, Respondent is not entitled to Registration No. 3436282; and the aforesaid registration should be cancelled pursuant to the provisions of 15 USC § 1064.

Please charge any additional fee or credit any overpayment to Deposit Account No. 502075 in connection with the filing of this Petition.

WHEREFORE, Petitioner believes and avers that it is and will continue to be damaged by the Registration No. 3436282 as aforesaid and requests that Respondent be required to answer the allegations of this Petition for Cancellation and that said registration be cancelled and the cancellation be sustained.

Respectfully submitted,
PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

DATED: February 24, 2014

By: /Scott H Davison/

Scott H. Davison
Attorney for Petitioner

525 B Street, Suite 2200
San Diego, CA 92101
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Fax: (619) 744-5447
Email: scott.davison@procopio.com;
docketing@procopio.com



Companies House

Company Details

Name & Registered Office:

TRICE LOGISTICS COMPANY LIMITED

5 OLD BAILEY

LONDON

EC4M 7AF

Company No. 05693480

Status: Dissolved 13/12/2010

Date of Incorporation: 31/01/2006

Country of Origin: United Kingdom

Company Type: Private Limited Company

Nature of Business (SIC):

7487 - Other business activities

Accounting Reference Date: 31/12

Last Accounts Made Up To: 31/12/2008 (FULL)

Next Accounts Due:

Last Return Made Up To: 31/01/2010

Next Return Due:

Mortgage: Number of charges: (0 outstanding / 0 satisfied / 0 part satisfied)

Last Members List: 31/01/2010

Insolvency History

Previous Names:

Date of change

15/02/2006

Previous Name

PA NEWCO (UK) LIMITED

UK Establishment Details

There are no UK Establishments associated with this company.

Overseas Company Info

There are no Overseas Details associated with this company.

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

In the Matter of Trademark
Registration No. 3436282

Cancellation No.: TBD

Registered: May 27, 2008

Principal Register by Trice Logistics Company
Limited

For: advertising, business management,
business administration; travel arrangement;
design and development of computer hardware;
medical services, veterinary services

International Classes: 035, 039, 042, 044

Trice Imaging, Inc.,

Petitioner,

v.

Trice Logistics Company, Ltd.,

Registrant.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing PETITION FOR CANCELLATION was mailed to Rouse & Co. International via FedEx, on February 24, 2014, at the below address:

11th Floor Exchange Tower
1 Harbour Exchange Square
London, E14 9GE
United Kingdom

Dated: February 24, 2014

By: 

Scott H. Davison, Attorney
Procopio, Cory, Hargreaves & Savitch LLP
525 B Street, Suite 2200
San Diego, California, 92101

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123 Buckingham Palace Road
London SW1W 9SR
United Kingdom

Dated: February 24, 2014

By: _____


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Procopio, Cory, Hargreaves & Savitch LLP
525 B Street, Suite 2200
San Diego, California, 92101