

ESTTA Tracking number: **ESTTA590179**

Filing date: **03/03/2014**

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	Noodle Education Inc.		
Entity	Corporation	Citizenship	Delaware
Address	59 Chelsea Piers New York, NY 10011 UNITED STATES		

Attorney information	Christopher Serbagi The Serbagi Law Firm, P.C. 488 Madison Avenue, Suite 1120 New York, NY 10022 UNITED STATES ptoemails@earthlink.net, rome@serbagilaw.com, christopher@serbagilaw.com, david@serbagilaw.com Phone:212-593-2112
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**Registration Subject to Cancellation**

Registration No	3528159	Registration date	11/04/2008
Registrant	Barton, Benny 222 W. Las Colinas Blvd., Suite 155 Irving, TX 75039 USX		

**Goods/Services Subject to Cancellation**

<p>Class 041. First Use: 2007/01/10 First Use In Commerce: 2007/07/17 All goods and services in the class are cancelled, namely: Entertainment services, namely, providing on-line computer games; providing a web site where users can post ratings, reviews and recommendations on events and activities in the field of children's entertainment and education; education and entertainment services, namely, providing a website featuring information in the field of children's education and entertainment featuring audio clips, video clips, musical videos, film clips, photographs, and other multimedia materials; blogs featuring information in the field of children's education and entertainment and which may include audio clips, video clips, musical videos, film clips, photographs, and other multimedia materials</p>
<p>Class 042. First Use: 2007/01/10 First Use In Commerce: 2007/07/17 All goods and services in the class are cancelled, namely: Computer security service, namely, restricting access to and by computer networks to and of undesired websites, media and individuals and facilities; creation and provision of web pages to and for third parties; computer services, namely, hosting online web facilities for others for organizing and conducting online meetings and interactive discussions, sharing photographs and stories; computer services in the nature of customized web pages featuring user-defined information, personal profiles and information; providing online non-downloadable children's educational software; providing online non-downloadable children's entertainment software, namely, interactive video game programs, computer game software and entertainment software for use with computers, featuring animated characters, children's stories and educational games and quizzes</p>

## Grounds for Cancellation

Abandonment	Trademark Act section 14
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Related Proceedings	Office action involving Petitioner's application, Ser. No. 86/043,919, for the mark NOODLE.
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Attachments	Petition to Cancel - NOODLENET.pdf(78864 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	/Christopher Serbagi/
Name	Christopher Serbagi
Date	03/03/2014

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

Noodle Education Inc.,

Petitioner

v.

Benny Barton

Registrant

CANCELLATION NO.:

REGISTRATION NO.: 3,528,159

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITION TO CANCEL**

Petitioner, Noodle Education Inc. (“Noodle”), believes that it will be damaged by allowing the registration described below to continue to exist on the Register and hereby petitions to cancel the registration:

Description of Registration:

Registration No. 3,528,159, registered on November 4, 2008 for the mark **NOODLENET** for use in connection with “entertainment services, namely, providing on-line computer games; providing a web site where users can post ratings, reviews and recommendations on events and activities in the field of children's entertainment and education; education and entertainment services, namely, providing a website featuring information in the field of children's education and entertainment featuring audio clips, video clips, musical videos, film clips, photographs, and other multimedia materials; blogs featuring information in the field of children's education and entertainment and which may include audio clips, video clips, musical videos, film clips, photographs, and other multimedia materials” in Class 41 and a “computer security service, namely, restricting access to and by computer networks to and of undesired websites, media and individuals and facilities; creation and provision of web pages to and for third parties;

computer services, namely, hosting online web facilities for others for organizing and conducting online meetings and interactive discussions, sharing photographs and stories; computer services in the nature of customized web pages featuring user-defined information, personal profiles and information; providing online non-downloadable children's educational software; providing online non-downloadable children's entertainment software, namely, interactive video game programs, computer game software and entertainment software for use with computers, featuring animated characters, children's stories and educational games and quizzes” in Class 42.

As grounds for the cancellation, it is alleged that:

1. Noodle Education Inc. is a corporation organized under the laws of Delaware and has a place of business at 59 Chelsea Piers, New York, New York 10011.
2. Upon information and belief, Benny Barton (“Registrant”) is an individual residing at 222 W. Las Colinas Blvd., Suite 155, Irving, Texas 75039.
3. Noodle is the owner of application Serial No. 86/043,919 for the mark NOODLE in the United States (the “Application”).
4. The Application was filed on August 21, 2013.
5. The Application covers a service in International Class 41.
6. Upon information and belief, Registrant is the owner of Registration No. 3,528,159 for NOODLENET in International Classes 41 and 42.
7. Upon information and belief, Registrant has abandoned the designation NOODLENET in connection with the services listed in Registration No. 3,528,159.
8. Based upon the foregoing and upon information and belief, Noodle will be damaged by allowing Registration No. 3,528,159 to remain on the Register, because Registrant has abandoned the designation NOODLENET in connection with the services listed in

Registration No. 3,528,159.

WHEREFORE, Noodle requests that this Cancellation be sustained and that Registration No. 3,528,159 be cancelled.

THE SERBAGI LAW FIRM, P.C.  
*Attorneys for Noodle Education Inc.*

Dated February 28, 2014  
New York, New York

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