

ESTTA Tracking number: **ESTTA596896**

Filing date: **04/07/2014**

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

Proceeding	92058893
Party	Plaintiff Mayweather Promotions, LLC
Correspondence Address	LAURI S THOMPSON GREENBERG TRAURIG LLP 3773 HOWARD HUGHES PARKWAY SUITE 400N LAS VEGAS, NV 89169 UNITED STATES thompsonl@gtlaw.com, welshs@gtlaw.com, lvpto@gtlaw.com
Submission	Other Motions/Papers
Filer's Name	Lauri S. Thompson
Filer's e-mail	lvlitdock@gtlaw.com, thompsonl@gtlaw.com, neyc@gtlaw.com, welshs@gtlaw.com
Signature	/s/ Lauri S. Thompson
Date	04/07/2014
Attachments	Notice of Non-Service.pdf(827848 bytes)

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

In the matter of trademark Registration No. 3565960
For the mark MONEY POWER RESPECT ENTERTAINMENT in Class 35
Date registered January 20, 2009.

Mayweather Promotions, LLC.

Petitioner,

v.

Branch, Cahleb, Jeremiah, LLC.

Registrant.

Cancellation No.: 92058893

BOX TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF NON-SERVICE

Petitioner, Mayweather Promotions, LLC (“Petitioner”), hereby provides notification of the non-service of Petitioner’s Petition for Partial Cancellation (“Petition”) upon Registrant Branch, Cahleb, Jeremiah, LLC (“Registrant”).

On March 18, 2014, Petitioner forwarded a copy of the Petition via United States first-class mail, postage prepaid, to the Registrant at the address listed by the Registrant on its filings with the United States Patent and Trademark Office (“USPTO”). The Petition was returned to Petitioner’s counsel on March 27, 2014 as undeliverable, unable to forward. *See* envelope, attached hereto as **Exhibit 1**.

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On April 2, 2014, Petitioner's counsel forwarded the Petition to Registrant via registered electronic mail to the email address listed on its filings with the USPTO. *See* registered email, attached hereto as **Exhibit 2**. No response has been received from Registrant.

Respectfully submitted,

Dated: April 7, 2014.

By: /s/ Lauri S. Thompson
Lauri S. Thompson
Shauna L. Welsh
GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway
Suite 400 North
Las Vegas, Nevada 89169
(702) 792-3773
Attorneys for Petitioner

Exhibit 1

GT GreenbergTraurig

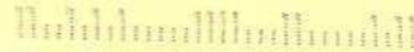
GREENBERG TRAURIG, LLP
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MAR 27 2014

GREENBERG TRAURIG
GREENBERG TRAURIG

Cahleb Branch
John Branch
Money Power Respect Entertainment
P.O. Box 54986
Phoenix, AZ 85032

FWD

05070490666



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

In the matter of trademark Registration No. 3565960
For the mark MONEY POWER RESPECT ENTERTAINMENT in Class 35
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Branch, Cahleb, Jeremiah, LLC.

Registrant.

Cancellation No.:

BOX TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR PARTIAL CANCELLATION

Mayweather Promotions, LLC (“Petitioner”), is a Nevada limited liability company, having its principal place of business at 4616 W. Sahara Ave., Suite 412, Las Vegas, Nevada 89102. Petitioner believes that it will be damaged by the continued registration of the mark MONEY POWER RESPECT ENTERTAINMENT (“Registrant’s Mark”) Registration No. 3565960 in Class 35 for “online retail store services in the field of clothing” and hereby petitions to cancel the same. On information and belief, the name and address of the current owner of the registration for MONEY POWER RESPECT ENTERTAINMENT is Branch, Cahleb, Jeremiah Limited Liability Company Arizona P. O. Box 54986, Phoenix, Arizona 85032 (“Registrant”). The grounds for cancellation are as follows:

FACTS COMMON TO ALL CLAIMS

1. On or about January 10, 2006, Registrant filed an application to register the mark MONEY POWER RESPECT ENTERTAINMENT, and was assigned Application Serial No. 78788752. This application matured into Registration No. 3565960 (the “Registrant’s Mark”).

2. Registrant filed a statement of use, on or about November 25, 2008, claiming use in commerce of the mark MONEY POWER RESPECT ENTERTAINMENT for “management of performing artists and entertainers; advertising, marketing and promotion services; and online retail store services in the field of clothing,” incorporating a flyer advertising its services and a photograph of a t-shirt with the words MONEY POWER RESPECT ENTERTAINMENT on the front and a link to a Myspace page located at <myspace.com/moneypowerrespectent.com> on the back. This specimen was accepted by the USPTO, and the mark registered in Class 35 on January 20, 2009.

3. Petitioner filed an application under Trademark Act Section 1(a) for the mark MONEY POWER RESPECT on June 24, 2013, and was assigned Application Serial No. 85968214 in International Class 25 for “t-shirts and hats.”

4. Petitioner’s MONEY POWER RESPECT Application Serial No. 85968214 was refused registration in International Class 25 by the USPTO trademark examining attorney under Trademark Act Section 2(d), 15 U.S.C. §1052(d), as likely to be confused with Registrant’s MONEY POWER RESPECT ENTERTAINMENT Registration No. 3565960 in International Class 35.

5. Because Petitioner’s application for MONEY POWER RESPECT Serial No. 85968214 has been refused registration in International Class 25 due to Registrant’s MONEY POWER RESPECT ENTERTAINMENT Registration No. 3565960, Petitioner will be damaged by the continued registration of Registrant’s Mark in Class 35, and thus, has standing for this Cancellation.

CLAIM I: ABANDONMENT

6. Petitioner repeats and re-alleges each and every allegation contained in all preceding paragraphs and incorporates the same as though fully set forth herein.

7. Upon information and belief, there is currently no actual use of Registrant’s Mark in commerce in the United States in connection with “online retail store services in the field of

clothing” in Class 35, nor has there been for more than three consecutive years; therefore, Registrant’s Mark has been abandoned due to nonuse.

8. Further, Registrant’s specimen of record includes a photograph of a t-shirt featuring the printed words MONEY POWER RESPECT ENTERTAINMENT on the front of the shirt and a link to the Myspace page located at <myspace.com/moneypowerrespect> on the back. However, this specimen does not depict the Registrant’s Mark being used in connection with online retail store services in the field of clothing.

9. Moreover, further research of Registrant’s webpage located at <mprent.net> does not reveal any use of Registrant’s Mark in connection with the online retail sales of clothing items.

10. Therefore, the Registrant is not currently providing “online retail store services in the field of clothing” under its MONEY POWER RESPECT ENTERTAINMENT mark in commerce, and upon information and belief, these services have not been offered under Registrant’s Mark for more than three consecutive years.

11. Upon information and belief, Registrant has no intent to resume use of the mark.

12. As such, the services identified in Registrant’s registration as “online retail store services in the field of clothing” in International 35 should be cancelled for abandonment due to nonuse for more than three consecutive years.

CLAIM II: FRAUD

13. Petitioner repeats and re-alleges each and every allegation contained in all preceding paragraphs and incorporates the same as though fully set forth herein.

14. Registrant has committed fraud on the USPTO by knowingly, with the intent to deceive the USPTO, making a material misrepresentation that it was using its mark in commerce in the United States on the all of the identified goods in Class 35 as of the time it filed its Statement of Use, when no such use on all the listed goods had been made.

15. Petitioner has a good faith belief that at that the time it filed its Statement of Use, Registrant only had use of its mark in connection with its management, advertising and promotion services and did not actually provide online retail sales of clothing under its mark.

16. Therefore, Registrant knowingly, with the intent to deceive the USPTO, made a material misrepresentation that it was using its mark in United States commerce in connection with all the goods listed in its registration in Class 35 when it was not, and this willful misrepresentation enabled Registrant to obtain a federal registration for Registrant's Mark to which it was not entitled.

17. Based on the foregoing, Registrant's MONEY POWER RESPECT ENTERTAINMENT Registration No. 3565960 contains intentional fraudulent misrepresentations to the USPTO, and is causing damage to Petitioner by its continued registration, and therefore should be cancelled in Class 35.

WHEREFORE, Petitioner prays that Class 35 of Trademark Registration No. 3565960 be cancelled and that this Petition to Cancel be sustained in favor of Petitioner.

Respectfully submitted,

Dated: March 18, 2014.

By: /s/ Lauri S. Thompson
Lauri S. Thompson
Shauna L. Welsh
GREENBERG TRAUIG, LLP
3773 Howard Hughes Parkway
Suite 400 North
Las Vegas, Nevada 89169
(702) 792-3773
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing PETITION FOR PARTIAL CANCELLATION upon:

Cahleb Branch / John Branch
Money Power Respect Entertainment
P.O. Box 54986
Phoenix, ARIZONA 85032

by causing a full, true and correct copy thereof to be sent by mailing in a sealed, first class postage prepaid envelope, and deposited with the United States Postal Service in Las Vegas, Nevada.

/Cynthia Ney/
AN EMPLOYEE OF GREENBERG TRAURIG, LLP

Exhibit 2

Ney, Cynthia (Para-LV-LT)

From: Ney, Cynthia (Para-LV-LT)
Sent: Wednesday, April 02, 2014 12:24 PM
To: moneypowerrespect@cox.net
Cc: Thompson, Lauri S. (Shld-LV-IP-Tech); Welsh, Shauna (Assoc-LV-CP)
Subject: Mayweather Promotions v. Branch, Cahleb, Jeremiah, LLC (Sent Registered)
Attachments: Mayweather Petition for Cancellation.pdf

Attached please find a Petition for Partial Cancellation which was mailed to the address listed in the USPTO attorney correspondence information for your company. This mailing was returned as undeliverable. Please provide us with a current mailing address we can use for future correspondence with you. Thank you.

Cynthia Ney
Paralegal
Greenberg Traurig, LLP | Suite 400 North
3773 Howard Hughes Parkway | Las Vegas, Nevada 89169
Tel 702.599.8009
neyc@gtlaw.com | www.gtlaw.com



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Ney, Cynthia (Para-LV-LT)

From: Receipt <receipt@rpost.net>
Sent: Wednesday, April 02, 2014 2:26 PM
To: Ney, Cynthia (Para-LV-LT)
Cc: FLService
Subject: Receipt:Mayweather Promotions v. Branch, Cahleb, Jeremiah, LLC (Delivery Failure)
Attachments: DeliveryReceipt.xml; HtmlReceipt.htm



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ThompsonL@gtlaw.com	Delivered and Opened	HTTP-IP:38.75.23.106	4/2/2014 7:23:55 PM (UTC)	4/2/2014 7:23:55 PM (GMT)	4/2/2014 9:08:48 PM(GMT)
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*UTC represents Coordinated Universal Time.

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From:	neyc@gtlaw.com<neyc@gtlaw.com>
Subject:	Mayweather Promotions v. Branch, Cahleb, Jeremiah, LLC (Delivery Failure)
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