

ESTTA Tracking number: **ESTTA618056**

Filing date: **07/28/2014**

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	Vodafone Group Plc		
Entity	public limited company (plc)	Citizenship	England
Address	Vodafone House The Connection Newbury, Berkshire, RG14 2FN UNITED KINGDOM		

Attorney information	Mark H. Tidman Baker & Hostetler LLP 1050 Connecticut Avenue, N.W. Washington Square, Suite 1100 Washington, DC 20036 UNITED STATES trademarks@bakerlaw.com Phone:202-861-1500
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Registration Subject to Cancellation

Registration No	4495067	Registration date	03/11/2014
Registrant	MONSAN CAPITAL LTD. Roadtown Tortola, VIRGIN ISLANDS, BRITISH		

Goods/Services Subject to Cancellation

Class 036. First Use: 2010/03/31 First Use In Commerce: 2013/12/06 All goods and services in the class are cancelled, namely: Financial services, namely, providing on-line stored value accounts in an electronic environment and the administration of transactions involving funds drawn on or against said accounts; monetary transactions, namely, electronic transfer of money, electronic transfer of funds

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85148962	Application Date	10/09/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	M-PESA		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Electrical and electronic telecommunications, telephonic and communications apparatus and instruments, namely, apparatus for transmission for communication, communication hubs, communication computers, communication headsets for use with communication radios, intercom systems or other communications network transceivers, communications servers computer hardware, communications software for connecting computer network users, electronic and optical communications instruments and components, namely, optical transmitters, optical receivers, optical data links, optical transceivers, cable television transmitters and digital transmitters, integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP), reconfigurable processors for use in wireless communication handsets and network equipment in the field of wide-band communications, satellite and microwave communications apparatus to transmit communications from a vehicle to another vehicle, or from a vehicle to a satellite, telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols, and telecommunication cables, switches and towers, video processors, radio and radio-telephone transmitters and receivers and radio pagers and vehicle locating, tracking and security systems comprised of an antenna and radio transmitter to be placed in a vehicle. electronic card readers, electronic combiners for connecting antennas and receivers, electronic memories, signal splitters for electronic apparatus, computer hardware for telecommunications, change-over switches, fuses, microphones, and pickups for telecommunications apparatus, telephones, telephone apparatus, telephone connectors, radio telephones, video telephones, mobile telephones, cellular telephones, satellite telephones, telephone transmitters and receivers, facsimile machines, answering machines, automatic telephone dialers, intercoms, telephone caller identification boxes, and telephone recorders; data communication apparatus and instruments, namely, blank magnetic data carriers, blank tapes for storage of computer data, central processing units for processing information data, sound or images, computer chipset for use in transmitting data to and from a central processing unit; computer software for creating searchable databases of information and data; computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; computer software for the field of warehousing and distribution, to manage transactional data, provide statistical analysis, and product notifications and reports; computer software to automate data warehousing; computer software, namely, an application allowing sales and field service employees to update and receive data stored in an enterprise's computer databases in real time, using a mobile device, with full telephony integration with the telephone and/or software features of the mobile device; data access port for use with electrical control panels for connecting multiple data and electrical devices; data carriers containing stored typographic typefaces, data compression software, data processors, electronic data relays for sensors. enterprise software in the nature of a database for non-transactional data and a search engine for database content; interface cards for data processing equipment in the form of printed circuits; GPS data logger for recording trips and classifying them into different accounts; mobile computing and operating platforms consisting of data transceivers, wireless networks and gateways for collection and management of data; mobile data receivers, personal data assistants, power access port for use with electrical control panels for connecting multiple data and electrical devices, telephone and radio light wave data links; computer hardware and software for the processing, transmission, storage, logging, reception, retrieval and collection of data being in the form of encoded data, text audio, graphic images, or video or a combination of these formats; image processing apparatus, instruments and equipment, namely, apparatus for recording, transmission or reproduction of images, blank integrated circuit cards for recording, transmitting,</p>

and reproducing sound and images in mobile telephone services, cables and fibers for the transmission of sounds and images; computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications; computer programs for editing images, sound and video; computer software for organizing and viewing digital images and photographs; computer software for use in relation to digital animation and special effects of images; computer software for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files. computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; electronic cards for processing images; fiber optic light and image conduits, recording and playing devices for sound and image carriers, and software for processing images, graphics and text; photographic apparatus, namely, cameras, camera filters, camera flashes, computer cameras, digital cameras, disposable cameras, telephone cameras, film cameras, multiple purpose cameras, photographic cameras, TV cameras, photographic filters, photographic flashbulbs, photographic projectors, computer software to enable the transmission of photographs to mobile telephones, and computer software for organizing and viewing digital images and photographs; modems; encoded electronic chip cards and smart cards containing programming for use in the fields of communications, telecommunications and multimedia, and controlling access to computers, computer networks, and electronic devices; encoded electronic chip cards and smart cards for identifying particular users of computers and mobile telephones; encoded electronic chip cards and smart cards for inserting into integrated circuits for use in the field of communication and multimedia; electronic chip cards and smart cards for access to computing and telecommunications networks; blank smart cards; hologram apparatus; media for storing information, data, images and sound and blank magnetic, digital and optical data carriers and recording and storage media, namely, CDs, DVDs, audio tapes, video tapes, CD-ROMs, computer discs, laser discs, cartridges, magnetic data carriers, video cassettes, optical discs, record discs, magnetic cards, SIM cards and memory cards. blank magnetic cards and pre-recorded magnetic cards for use in the fields of communications, telecommunications and multimedia; cards containing microprocessors; integrated circuit cards; electronic identification cards for use in the fields of communications and telecommunications; prepaid telephone calling cards, magnetically encoded; telephone credit cards, magnetically encoded; magnetically encoded credit cards; magnetically encoded debit cards; electronic cards featuring electronic games designed for use with telephones; computer software for use in the communications and telecommunications fields; downloadable computer software from a computer database, the Internet or other electronic networks software for use in the communications and telecommunications fields; downloadable electronic publications, namely, newsletters, book, magazines, articles, newspapers, reports, manuals, cartoons, illustrated periodicals and research periodicals provided on-line from computer databases, the Internet or other electronic network in the fields of entertainment, lifestyle, music, sports, news and current affairs, business, finance, trade, technology, science, nature, industry, transport, farming and agriculture, art, history, travel, culture and languages; downloadable digital audio, video and data, namely, music, sound recordings, ring tones, electronic games, video, audio visual, MP3 files and recordings, graphics, artwork, and message alerts and downloadable multimedia files containing artwork, text, audio, images, video, games and Internet Web links, provided from a computer database or the Internet, including MP3 internet websites; MP3 players; personal digital assistants; satellite receiving and transmission apparatus and instruments, namely, satellite receivers, dishes, aerials, processors, radios, telephones and satellites. apparatus, namely, computer hardware and computer software and telecommunication equipment, namely, telecommunication cables, exchangers, towers, transmitters for downloading audio, video and data from the Internet; battery chargers for use with telecommunications apparatus; batteries; adapters for use with telecommunications and com-

munications apparatus and instruments; radio telephones, mobile and fixed telephones; downloadable films, namely, factual and fictional films about entertainment, lifestyle, music, sports, news and current affairs, business, finance, trade, technology, science, nature, industry, transport, farming and agriculture, art, history, travel, culture and language provided via a video-on-demand and video, music, audio, audio-visual and graphic images downloadable from a computer database, the Internet or other electronic network; television apparatus and instruments, namely, television sets, apparatus for projection purposes, aerials, decoders, remote controls, car televisions antennas, monitors, receivers, transmitters, converters, cameras, video and wireless television sets for providing video conferencing and telephone service over the Internet; radio and television broadcasting transmitters and receivers; apparatus for access to broadcast or transmitted programs, namely, radio antennas, aerials, receivers and monitors for reproduction of sound and signals, relay cables, sets, transmitters and radios, apparatus for transmitting radio programmes and radio relay messages, devices for wireless radio transmission, microwave transmission apparatus for delivering radio programs and messages, portable radios, computer software and hardware. electrical and electronic accessories and peripheral equipment designed and adapted for use with telecommunications and communications apparatus and instruments, computers, audio visual apparatus and electronic games equipment and apparatus, namely, digital camera accessories in the nature of a digital photo viewer, backup drives for computers, computer card adapters, cables, screen filters, printers, joysticks, keyboards, keypads, memories, monitors, monitor frames, mouse, lights pens, touch pads, and trackballs, computer peripherals, headsets for use with televisions, computers and radios, computer storage devices, namely, flash drives; electrical and electronic game apparatus, namely, game software, computer game cartridges, cassettes, software and discs, and joysticks; computers including laptop and notebook computers; programmed data carrying electronics circuits featuring programming for use in the fields of communications and telecommunications; electronic and satellite navigational and positional apparatus and instruments including global positioning systems; desk or car mounted units incorporating a loud speaker which permits hands-free use of a telephone handset; in-car telephone handset cradles; replacement parts for all the aforementioned goods; mobile phone cases

Class 016. First use: First Use: 0 First Use In Commerce: 0

Printed holograms; pre-paid telephone calling cards, not magnetically encoded; telephone credit cards without magnetic encoding; credit cards without magnetic coding; debit cards without magnetic coding; cards without magnetic encoding for electronic games designed for use with telephones

Class 035. First use: First Use: 0 First Use In Commerce: 0

Discount services including discount card services, namely, the goods and services of others through distribution of discount cards; promoting the sale of goods and services of others by issue and redemption of tokens, vouchers and points; provision of consumer information relating to or identifying telecommunications and communications apparatus and instruments

Class 036. First use: First Use: 0 First Use In Commerce: 0

Banking services including home, Internet and remote banking; financial sponsorship of entertainment, sports, leisure or charity events or activities; insurance and finance services including such services provided over the Internet or any other electronic network, namely money transfer and money exchanges services and banking provided over telecommunications networks; credit card services; charge card services; underwriting property insurance, financing of loans and financial guarantee services relating to telecommunications and communications apparatus and instruments; provision of electronic payment services, namely, electronic processing and transmission of bill payment data and electronic fund transfer services and on-line transaction facilities provided over telecommunications networks, namely, financial clearing houses; provision of investment and fund management information; administration of transactions involving funds

	<p>drawn from securities, stocks, funds, equities, bonds, cash, or other types of financial investments using a credit or debit facility over a global data telecommunications network; funds investment; stock, shares and bond information and brokerage services; provision of financial information and advisory services relating to monetary affairs and the aforementioned services, namely, the provision of financial information from a computer database, the Internet or other electronic or telecommunication network; provision of financial information and advice for the prospective purchasers of commodities and goods, all related to payment terms and insurance</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0</p> <p>Telecommunication, mobile and fixed telecommunication, namely, cellular telephone communication; communication by electronic computer terminals; communication by mobile telephone; communication services namely, electronic transmission of data and documents among users of computers; communication via analogue and digital computer terminals; communication via computer terminals, and satellite, cellular telephone, and radio communication services; hire, leasing and rental of telecommunications, telephonic and communications apparatus and instruments; electronic voice messaging, namely, telephone and mobile telephone message recording and subsequent transmission, radio-paging, call diversion, call screening, and electronic mail services for others; transmission, delivery and reception of sound, data and images; providing dedicated personal telephone numbering services; loan of replacement telecommunications and communications apparatus and instruments in the case of breakdown, loss or theft; provision of Internet access services; provision of wireless application protocol services, namely, internet protocol television transmission services, voice over internet protocol services, telecommunication internet protocol services, including those utilizing a secure communications channel; broadcast or transmission of radio or television programs; electronic messaging services, namely, sending, receiving and forwarding messages in the form of text, audio, graphic images or video or a combination of these formats; unified electronic messaging services; voicemail services; video conferencing services; video telephone services; providing telecommunications connections to computer databases, the Internet or other electronic networks; providing access to digital music audio, video and data websites from a database, the Internet, or other electronic network; telecommunication and communication database services, namely, transmission and reception of database information enabling the consumer to download digital content from a network and server to an individual database; providing third party users with access to telecommunications infrastructures for other operators; providing and leasing access time to computer databases, computer bulletin boards, computer networks and interactive computer communications networks; providing telecommunications information and consultancy services</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0</p> <p>Location and tracking services for retrieval of persons and objects that have been encoded; tracking of mobile telephone via satellite signals for recovering individual user's telephone location data; location of mobile telephones via satellite signals for retrieval of individual user's telephone location data</p>
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U.S. Application No.	85704217	Application Date	08/15/2012
Registration Date	NONE	Foreign Priority Date	06/21/2012
Word Mark	M-PESA		
Design Mark			
Description of Mark	The mark consists of a rectangular design shown above "M-PESA".		

<p>Goods/Services</p>	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Electrical and electronic telecommunications, telephonic and communications apparatus and instruments, namely, apparatus for transmission for communication, communication hubs, communication computers, communication headsets for use with communication radios, intercom systems or other communications network transceivers, communications servers computer hardware, communications software for connecting computer network users, electronic and optical communications instruments and components, namely, optical transmitters, optical receivers, optical data links, optical transceivers, cable television transmitters and digital transmitters, integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP), reconfigurable processors for use in wireless communication handsets and network equipment in the field of wide-band communications, satellite and microwave communications apparatus to transmit communications from a vehicle to another vehicle, or from a vehicle to a satellite, telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols, and telecommunication cables, switches and towers, video processors, radio and radio-telephone transmitters and receivers and radio pagers and vehicle locating, tracking and security systems comprised of an antenna and radio transmitter to be placed in a vehicle. electronic card readers, electronic combiners for connecting antennas and receivers, electronic memories, signal splitters for electronic apparatus, computer hardware for telecommunications, change-over switches, fuses, microphones, and pickups for telecommunications apparatus, telephones, telephone apparatus, telephone connectors, radio telephones, video telephones, mobile telephones, cellular telephones, satellite telephones, telephone transmitters and receivers, facsimile machines, answering machines, automatic telephone dialers, intercoms, telephone caller identification boxes, and telephone recorders; data communication apparatus and instruments, namely, blank magnetic data carriers, blank tapes for storage of computer data, central processing units for processing information data, sound or images, computer chipset for use in transmitting data to and from a central processing unit; computer software for creating searchable databases of information and data; computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; computer software for the field of warehousing and distribution, to manage transactional data, provide statistical analysis, and product notifications and reports; computer software to automate data warehousing; computer software, namely, an application allowing sales and field service employees to update and receive data stored in an enterprise's computer databases in real time, using a mobile device, with full telephony integration with the telephone and/or software features of the mobile device; data access port for use with electrical control panels for connecting multiple data and electrical devices; data carriers containing stored typographic typefaces, data compression software, data processors, electronic data relays for sensors. enterprise software in the nature of a database for non-transactional data and a search engine for database content; interface cards for data processing equipment in the form of printed circuits; GPS data logger for recording trips and classifying them into different accounts; mobile computing and operating platforms consisting of data transceivers, wireless networks and gateways for collection and management of data; mobile data receivers, personal data assistants, power access port for use with electrical control panels for connecting multiple data and electrical devices, telephone and radio light wave data links; computer hardware and software for the processing, transmission, storage, logging, reception, retrieval and collection of data being in the form of encoded data, text audio, graphic images, or video or a combination of these formats; image processing apparatus, instruments and equipment, namely, apparatus for recording, transmission or reproduction of images, blank integrated circuit cards for recording, transmitting, and reproducing sound and images in mobile telephone services, cables and</p>
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fibers for the transmission of sounds and images; computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications; computer programs for editing images, sound and video; computer software for organizing and viewing digital images and photographs; computer software for use in relation to digital animation and special effects of images; computer software for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files. computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; electronic cards for processing images; fiber optic light and image conduits, recording and playing devices for sound and image carriers, and software for processing images, graphics and text; photographic apparatus, namely, cameras, camera filters, camera flashes, computer cameras, digital cameras, disposable cameras, telephone cameras, film cameras, multiple purpose cameras, photographic cameras, TV cameras, photographic filters, photographic flashbulbs, photographic projectors, computer software to enable the transmission of photographs to mobile telephones, and computer software for organizing and viewing digital images and photographs; modems; encoded electronic chip cards and smart cards containing programming for use in the fields of communications, telecommunications and multimedia, and controlling access to computers, computer networks, and electronic devices; encoded electronic chip cards and smart cards for identifying particular users of computers and mobile telephones; encoded electronic chip cards and smart cards for inserting into integrated circuits for use in the field of communication and multimedia; electronic chip cards and smart cards for access to computing and telecommunications networks; blank smart cards; hologram apparatus; media for storing information, data, images and sound and blank magnetic, digital and optical data carriers and recording and storage media, namely, CDs, DVDs, audio tapes, video tapes, CD-ROMs, computer discs, laser discs, cartridges, magnetic data carriers, video cassettes, optical discs, record discs, magnetic cards, SIM cards and memory cards. blank magnetic cards and pre-recorded magnetic cards for use in the fields of communications, telecommunications and multimedia; cards containing microprocessors; integrated circuit cards; electronic identification cards for use in the fields of communications and telecommunications; prepaid telephone calling cards, magnetically encoded; telephone credit cards, magnetically encoded; magnetically encoded credit cards; magnetically encoded debit cards; electronic cards featuring electronic games designed for use with telephones; computer software for use in the communications and telecommunications fields; downloadable computer software from a computer database, the Internet or other electronic networks software for use in the communications and telecommunications fields; downloadable electronic publications, namely, newsletters, book, magazines, articles, newspapers, reports, manuals, cartoons, illustrated periodicals and research periodicals provided on-line from computer databases, the Internet or other electronic network in the fields of entertainment, lifestyle, music, sports, news and current affairs, business, finance, trade, technology, science, nature, industry, transport, farming and agriculture, art, history, travel, culture and languages; downloadable digital audio, video and data, namely, music, sound recordings, ring tones, electronic games, video, audio visual, MP3 files and recordings, graphics, artwork, and message alerts and downloadable multimedia files containing artwork, text, audio, images, video, games and Internet Web links, provided from a computer database or the Internet, including MP3 internet websites; MP3 players; personal digital assistants; satellite receiving and transmission apparatus and instruments, namely, satellite receivers, dishes, aerials, processors, radios, telephones and satellites. apparatus, namely, computer hardware and computer software and telecommunication equipment, namely, telecommunication cables, exchangers, towers, transmitters for downloading audio, video and data from the Internet; battery chargers for use with telecommunications apparatus; batteries; adapters for use with telecommunications and communications apparatus and instruments; radio telephones, mobile and fixed tele-

phones; downloadable films, namely, factual and fictional films about entertainment, lifestyle, music, sports, news and current affairs, business, finance, trade, technology, science, nature, industry, transport, farming and agriculture, art, history, travel, culture and language provided via a video-on-demand and video, music, audio, audio-visual and graphic images downloadable from a computer database, the Internet or other electronic network; television apparatus and instruments, namely, television sets, apparatus for projection purposes, aerials, decoders, remote controls, car televisions antennas, monitors, receivers, transmitters, converters, cameras, video and wireless television sets for providing video conferencing and telephone service over the Internet; radio and television broadcasting transmitters and receivers; apparatus for access to broadcast or transmitted programs, namely, radio antennas, aerials, receivers and monitors for reproduction of sound and signals, relay cables, sets, transmitters and radios, apparatus for transmitting radio programmes and radio relay messages, devices for wireless radio transmission, microwave transmission apparatus for delivering radio programs and messages, portable radios, computer software and hardware. electrical and electronic accessories and peripheral equipment designed and adapted for use with telecommunications and communications apparatus and instruments, computers, audio visual apparatus and electronic games equipment and apparatus, namely, digital camera accessories in the nature of a digital photo viewer, backup drives for computers, computer card adapters, cables, screen filters, printers, joysticks, keyboards, keypads, memories, monitors, monitor frames, mouse, lights pens, touch pads, and trackballs, computer peripherals, headsets for use with televisions, computers and radios, computer storage devices, namely, flash drives; electrical and electronic game apparatus, namely, game software, computer game cartridges, cassettes, software and discs, and joysticks; computers including laptop and notebook computers; programmed data carrying electronics circuits featuring programming for use in the fields of communications and telecommunications; electronic and satellite navigational and positional apparatus and instruments including global positioning systems; desk or car mounted units incorporating a loud speaker which permits hands-free use of a telephone handset; in-car telephone handset cradles; replacement parts for all the aforementioned goods; mobile phone cases

Class 036. First use: First Use: 0 First Use In Commerce: 0

Banking services including home, Internet and remote banking; financial sponsorship of entertainment, sports, leisure or charity events or activities; insurance and finance services including such services provided over the Internet or any other electronic network, namely, money transfer and money exchanges services and banking provided over telecommunications networks; credit card services; charge card services; underwriting property insurance, financing of loans and financial guarantee services relating to telecommunications and communications apparatus and instruments; provision of electronic payment services, namely, electronic processing and transmission of bill payment data and electronic fund transfer services and on-line transaction facilities provided over telecommunications networks, namely, financial clearing houses; provision of investment and fund management information; administration of transactions involving funds drawn from securities, stocks, funds, equities, bonds, cash, or other types of financial investments using a credit or debit facility over a global data telecommunications network; funds investment; stock, shares and bond information and brokerage services; provision of financial information and advisory services relating to monetary affairs and the aforementioned services, namely, the provision of financial information from a computer database, the Internet or other electronic or telecommunication network; provision of financial information and advice for the prospective purchasers of commodities and goods, all related to payment terms and insurance

Class 038. First use: First Use: 0 First Use In Commerce: 0

Telecommunication, mobile and fixed telecommunication, namely, cellular telephone communication; communication by electronic computer terminals; communication by mobile telephone; communication services namely, electronic

	<p>transmission of data and documents among users of computers; communication via analogue and digital computer terminals; communication via computer terminals, and satellite, cellular telephone, and radio communication services; hire, leasing and rental of telecommunications, telephonic and communications apparatus and instruments; electronic voice messaging, namely, telephone and mobile telephone message recording and subsequent transmission, radio-paging, call diversion, call screening, and electronic mail services for others; transmission, delivery and reception of sound, data and images; providing dedicated personal telephone numbering services; loan of replacement telecommunications and communications apparatus and instruments in the case of breakdown, loss or theft; provision of Internet access services; provision of wireless application protocol services, namely, internet protocol television transmission services, voice over internet protocol services, telecommunication internet protocol services, including those utilizing a secure communications channel; broadcast or transmission of radio or television programs; electronic messaging services, namely, sending, receiving and forwarding messages in the form of text, audio, graphic images or video or a combination of these formats; unified electronic messaging services; voicemail services; video conferencing services; video telephone services; providing telecommunications connections to computer databases, the Internet or other electronic networks; providing access to digital music audio, video and data websites from a database, the Internet, or other electronic network. telecommunication and communication database services, namely, transmission and reception of database information enabling the consumer to download digital content from a network and server to an individual database; providing third party users with access to telecommunications infrastructures for other operators; providing and leasing access time to computer databases, computer bulletin boards, computer networks and interactive computer communications networks; providing telecommunications information and consultancy services</p>
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Attachments	<p>85148962#TMSN.png(bytes) 85704217#TMSN.png(bytes) Petition for Cancellation - MPESO.pdf(1763690 bytes)</p>
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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	/Mark H. Tidman/
Name	Mark H. Tidman
Date	07/28/2014

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

Vodafone Group plc)	
Vodafone House, The Connection)	
Newbury, Berkshire RG14 2FN)	
United Kingdom)	
)	
Petitioner,)	
)	Registration No. 4495067
v.)	Mark: MPESO and Design
)	
Monsan Capital Ltd)	
Roadtown P.O. Box 3483)	
Tortola, British Virgin Islands)	
)	
Registrant.)	
)	

PETITION FOR CANCELLATION

The Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Sirs:

Vodafone Group Plc, a public limited company incorporated in England, with its principal office at Vodafone House, The Connection Newbury Berkshire UNITED KINGDOM RG142FN, believes that it is or will be damaged by Registration No. 4495067, issued on the Principal Register on March 11, 2014 to Respondent for the mark MPESO & Design in connection with “Financial services, namely, providing on-line stored value accounts in an electronic environment and the administration of transactions involving funds drawn on or against said accounts; monetary transactions, namely, electronic transfer of money, electronic transfer of funds” in International Class 36. Petitioner hereby petitions for cancellation of said registration pursuant to Section 18 of the Trademark Act.

As grounds for this petition, Petitioner alleges:

1. Petitioner is the owner of the M-PESA trademark and Application Serial No. 85148962 therefore, in connection with “Electrical and electronic telecommunications,

telephonic and communications apparatus and instruments, namely, apparatus for transmission for communication, communication hubs, communication computers, communication headsets for use with communication radios, intercom systems or other communications network transceivers, communications servers computer hardware, communications software for connecting computer network users, electronic and optical communications instruments and components, namely, optical transmitters, optical receivers, optical data links, optical transceivers, cable television transmitters and digital transmitters, integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP), reconfigurable processors for use in wireless communication handsets and network equipment in the field of wideband communications, satellite and microwave communications apparatus to transmit communications from a vehicle to another vehicle, or from a vehicle to a satellite, telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols, and telecommunication cables, switches and towers, video processors, radio and radio-telephone transmitters and receivers and radio pagers and vehicle locating, tracking and security systems comprised of an antenna and radio transmitter to be placed in a vehicle. electronic card readers, electronic combiners for connecting antennas and receivers, electronic memories, signal splitters for electronic apparatus, computer hardware for telecommunications, change-over switches, fuses, microphones, and pickups for telecommunications apparatus, telephones, telephone apparatus, telephone connectors, radio telephones, video telephones, mobile telephones, cellular telephones, satellite telephones, telephone transmitters and receivers, facsimile machines, answering machines, automatic telephone dialers, intercoms, telephone caller identification boxes, and telephone recorders; data communication apparatus and instruments, namely, blank magnetic data carriers, blank tapes for storage of computer data, central processing units for processing information data, sound or images, computer chipset for use in transmitting data to and from a central processing unit; computer software for creating searchable databases of information and data; computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; computer software for the field of warehousing and distribution, to manage transactional data, provide statistical analysis, and product notifications and reports; computer software to automate data warehousing;

computer software, namely, an application allowing sales and field service employees to update and receive data stored in an enterprise's computer databases in real time, using a mobile device, with full telephony integration with the telephone and/or software features of the mobile device; data access port for use with electrical control panels for connecting multiple data and electrical devices; data carriers containing stored typographic typefaces, data compression software, data processors, electronic data relays for sensors. enterprise software in the nature of a database for non-transactional data and a search engine for database content; interface cards for data processing equipment in the form of printed circuits; GPS data logger for recording trips and classifying them into different accounts; mobile computing and operating platforms consisting of data transceivers, wireless networks and gateways for collection and management of data; mobile data receivers, personal data assistants, power access port for use with electrical control panels for connecting multiple data and electrical devices, telephone and radio light wave data links; computer hardware and software for the processing, transmission, storage, logging, reception, retrieval and collection of data being in the form of encoded data, text audio, graphic images, or video or a combination of these formats; image processing apparatus, instruments and equipment, namely, apparatus for recording, transmission or reproduction of images, blank integrated circuit cards for recording, transmitting, and reproducing sound and images in mobile telephone services, cables and fibers for the transmission of sounds and images; computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications; computer programs for editing images, sound and video; computer software for organizing and viewing digital images and photographs; computer software for use in relation to digital animation and special effects of images; computer software for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files. computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; electronic cards for processing images; fiber optic light and image conduits, recording and playing devices for sound and image carriers, and software for processing images, graphics and text; photographic apparatus, namely, cameras, camera filters, camera flashes, computer cameras, digital cameras, disposable cameras, telephone cameras, film cameras, multiple purpose cameras, photographic cameras, TV cameras, photographic filters, photographic flashbulbs, photographic projectors, computer software to

enable the transmission of photographs to mobile telephones, and computer software for organizing and viewing digital images and photographs; modems; encoded electronic chip cards and smart cards containing programming for use in the fields of communications, telecommunications and multimedia, and controlling access to computers, computer networks, and electronic devices; encoded electronic chip cards and smart cards for identifying particular users of computers and mobile telephones; encoded electronic chip cards and smart cards for inserting into integrated circuits for use in the field of communication and multimedia; electronic chip cards and smart cards for access to computing and telecommunications networks; blank smart cards; hologram apparatus; media for storing information, data, images and sound and blank magnetic, digital and optical data carriers and recording and storage media, namely, CDs, DVDs, audio tapes, video tapes, CD-ROMs, computer discs, laser discs, cartridges, magnetic data carriers, video cassettes, optical discs, record discs, magnetic cards, SIM cards and memory cards. blank magnetic cards and pre-recorded magnetic cards for use in the fields of communications, telecommunications and multimedia; cards containing microprocessors; integrated circuit cards; electronic identification cards for use in the fields of communications and telecommunications; prepaid telephone calling cards, magnetically encoded; telephone credit cards, magnetically encoded; magnetically encoded credit cards; magnetically encoded debit cards; electronic cards featuring electronic games designed for use with telephones; computer software for use in the communications and telecommunications fields; downloadable computer software from a computer database, the Internet or other electronic networks software for use in the communications and telecommunications fields; downloadable electronic publications, namely, newsletters, book, magazines, articles, newspapers, reports, manuals, cartoons, illustrated periodicals and research periodicals provided on-line from computer databases, the Internet or other electronic network in the fields of entertainment, lifestyle, music, sports, news and current affairs, business, finance, trade, technology, science, nature, industry, transport, farming and agriculture, art, history, travel, culture and languages; downloadable digital audio, video and data, namely, music, sound recordings, ring tones, electronic games, video, audio visual, MP3 files and recordings, graphics, artwork, and message alerts and downloadable multimedia files containing artwork, text, audio, images, video, games and Internet Web links, provided from a computer database or the Internet, including MP3 internet websites; MP3 players; personal digital assistants; satellite receiving and transmission apparatus and

instruments, namely, satellite receivers, dishes, aerials, processors, radios, telephones and satellites. apparatus, namely, computer hardware and computer software and telecommunication equipment, namely, telecommunication cables, exchangers, towers, transmitters for downloading audio, video and data from the Internet; battery chargers for use with telecommunications apparatus; batteries; adapters for use with telecommunications and communications apparatus and instruments; radio telephones, mobile and fixed telephones; downloadable films, namely, factual and fictional films about entertainment, lifestyle, music, sports, news and current affairs, business, finance, trade, technology, science, nature, industry, transport, farming and agriculture, art, history, travel, culture and language provided via a video-on-demand and video, music, audio, audio-visual and graphic images downloadable from a computer database, the Internet or other electronic network; television apparatus and instruments, namely, television sets, apparatus for projection purposes, aerials, decoders, remote controls, car televisions antennas, monitors, receivers, transmitters, converters, cameras, video and wireless television sets for providing video conferencing and telephone service over the Internet; radio and television broadcasting transmitters and receivers; apparatus for access to broadcast or transmitted programs, namely, radio antennas, aerials, receivers and monitors for reproduction of sound and signals, relay cables, sets, transmitters and radios, apparatus for transmitting radio programmes and radio relay messages, devices for wireless radio transmission, microwave transmission apparatus for delivering radio programs and messages, portable radios, computer software and hardware. electrical and electronic accessories and peripheral equipment designed and adapted for use with telecommunications and communications apparatus and instruments, computers, audio visual apparatus and electronic games equipment and apparatus, namely, digital camera accessories in the nature of a digital photo viewer, backup drives for computers, computer card adapters, cables, screen filters, printers, joysticks, keyboards, keypads, memories, monitors, monitor frames, mouse, lights pens, touch pads, and trackballs, computer peripherals, headsets for use with televisions, computers and radios, computer storage devices, namely, flash drives; electrical and electronic game apparatus, namely, game software, computer game cartridges, cassettes, software and discs, and joysticks; computers including laptop and notebook computers; programmed data carrying electronics circuits featuring programming for use in the fields of communications and telecommunications; electronic and satellite navigational and positional apparatus and instruments including global positioning systems; desk or car mounted units

incorporating a loud speaker which permits hands-free use of a telephone handset; in-car telephone handset cradles; replacement parts for all the aforementioned goods; mobile phone cases” in International Class 9, “Printed holograms; pre-paid telephone calling cards, not magnetically encoded; telephone credit cards without magnetic encoding; credit cards without magnetic coding; debit cards without magnetic coding; cards without magnetic encoding for electronic games designed for use with telephones” in International Class 16, “Discount services including discount card services, namely, the goods and services of others through distribution of discount cards; promoting the sale of goods and services of others by issue and redemption of tokens, vouchers and points; provision of consumer information relating to or identifying telecommunications and communications apparatus and instruments” in International Class 35, “Banking services including home, Internet and remote banking; financial sponsorship of entertainment, sports, leisure or charity events or activities; insurance and finance services including such services provided over the Internet or any other electronic network, namely money transfer and money exchanges services and banking provided over telecommunications networks; credit card services; charge card services; underwriting property insurance, financing of loans and financial guarantee services relating to telecommunications and communications apparatus and instruments; provision of electronic payment services, namely, electronic processing and transmission of bill payment data and electronic fund transfer services and on-line transaction facilities provided over telecommunications networks, namely, financial clearing houses; provision of investment and fund management information; administration of transactions involving funds drawn from securities, stocks, funds, equities, bonds, cash, or other types of financial investments using a credit or debit facility over a global data telecommunications network; funds investment; stock, shares and bond information and brokerage services; provision of financial information and advisory services relating to monetary affairs and the aforementioned services, namely, the provision of financial information from a computer database, the Internet or other electronic or telecommunication network; provision of financial information and advice for the prospective purchasers of commodities and goods, all related to payment terms and insurance” in International Class 36, “Telecommunication, mobile and fixed telecommunication, namely, cellular telephone communication; communication by electronic computer terminals; communication by mobile telephone; communication services namely, electronic transmission of data and documents among users of computers;

communication via analogue and digital computer terminals; communication via computer terminals, and satellite, cellular telephone, and radio communication services; hire, leasing and rental of telecommunications, telephonic and communications apparatus and instruments; electronic voice messaging, namely, telephone and mobile telephone message recording and subsequent transmission, radio-paging, call diversion, call screening, and electronic mail services for others; transmission, delivery and reception of sound, data and images; providing dedicated personal telephone numbering services; loan of replacement telecommunications and communications apparatus and instruments in the case of breakdown, loss or theft; provision of Internet access services; provision of wireless application protocol services, namely, internet protocol television transmission services, voice over internet protocol services, telecommunication internet protocol services, including those utilizing a secure communications channel; broadcast or transmission of radio or television programs; electronic messaging services, namely, sending, receiving and forwarding messages in the form of text, audio, graphic images or video or a combination of these formats; unified electronic messaging services; voicemail services; video conferencing services; video telephone services; providing telecommunications connections to computer databases, the Internet or other electronic networks; providing access to digital music audio, video and data websites from a database, the Internet, or other electronic network. telecommunication and communication database services, namely, transmission and reception of database information enabling the consumer to download digital content from a network and server to an individual database; providing third party users with access to telecommunications infrastructures for other operators; providing and leasing access time to computer databases, computer bulletin boards, computer networks and interactive computer communications networks; providing telecommunications information and consultancy services” in International Class 38, and “Location and tracking services for retrieval of persons and objects that have been encoded; tracking of mobile telephone via satellite signals for recovering individual user's telephone location data; location of mobile telephones via satellite signals for retrieval of individual user's telephone location data” in International Class 45.

2. Petitioner is the owner of the M-PESA and Design trademark and Application Serial No. 85704217 therefore, in connection with “Electrical and electronic telecommunications, telephonic and communications apparatus and instruments, namely, apparatus for transmission for communication, communication hubs, communication computers,

communication headsets for use with communication radios, intercom systems or other communications network transceivers, communications servers computer hardware, communications software for connecting computer network users, electronic and optical communications instruments and components, namely, optical transmitters, optical receivers, optical data links, optical transceivers, cable television transmitters and digital transmitters, integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP), reconfigurable processors for use in wireless communication handsets and network equipment in the field of wideband communications, satellite and microwave communications apparatus to transmit communications from a vehicle to another vehicle, or from a vehicle to a satellite, telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols, and telecommunication cables, switches and towers, video processors, radio and radio-telephone transmitters and receivers and radio pagers and vehicle locating, tracking and security systems comprised of an antenna and radio transmitter to be placed in a vehicle. electronic card readers, electronic combiners for connecting antennas and receivers, electronic memories, signal splitters for electronic apparatus, computer hardware for telecommunications, change-over switches, fuses, microphones, and pickups for telecommunications apparatus, telephones, telephone apparatus, telephone connectors, radio telephones, video telephones, mobile telephones, cellular telephones, satellite telephones, telephone transmitters and receivers, facsimile machines, answering machines, automatic telephone dialers, intercoms, telephone caller identification boxes, and telephone recorders; data communication apparatus and instruments, namely, blank magnetic data carriers, blank tapes for storage of computer data, central processing units for processing information data, sound or images, computer chipset for use in transmitting data to and from a central processing unit; computer software for creating searchable databases of information and data; computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; computer software for the field of warehousing and distribution, to manage transactional data, provide statistical analysis, and product notifications and reports; computer software to automate data warehousing; computer software, namely, an application allowing sales and field service employees to update and receive data stored in an enterprise's

computer databases in real time, using a mobile device, with full telephony integration with the telephone and/or software features of the mobile device; data access port for use with electrical control panels for connecting multiple data and electrical devices; data carriers containing stored typographic typefaces, data compression software, data processors, electronic data relays for sensors. enterprise software in the nature of a database for non-transactional data and a search engine for database content; interface cards for data processing equipment in the form of printed circuits; GPS data logger for recording trips and classifying them into different accounts; mobile computing and operating platforms consisting of data transceivers, wireless networks and gateways for collection and management of data; mobile data receivers, personal data assistants, power access port for use with electrical control panels for connecting multiple data and electrical devices, telephone and radio light wave data links; computer hardware and software for the processing, transmission, storage, logging, reception, retrieval and collection of data being in the form of encoded data, text audio, graphic images, or video or a combination of these formats; image processing apparatus, instruments and equipment, namely, apparatus for recording, transmission or reproduction of images, blank integrated circuit cards for recording, transmitting, and reproducing sound and images in mobile telephone services, cables and fibers for the transmission of sounds and images; computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications; computer programs for editing images, sound and video; computer software for organizing and viewing digital images and photographs; computer software for use in relation to digital animation and special effects of images; computer software for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files. computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; electronic cards for processing images; fiber optic light and image conduits, recording and playing devices for sound and image carriers, and software for processing images, graphics and text; photographic apparatus, namely, cameras, camera filters, camera flashes, computer cameras, digital cameras, disposable cameras, telephone cameras, film cameras, multiple purpose cameras, photographic cameras, TV cameras, photographic filters, photographic flashbulbs, photographic projectors, computer software to enable the transmission of photographs to mobile telephones, and computer software for organizing and viewing digital images and photographs;

modems; encoded electronic chip cards and smart cards containing programming for use in the fields of communications, telecommunications and multimedia, and controlling access to computers, computer networks, and electronic devices; encoded electronic chip cards and smart cards for identifying particular users of computers and mobile telephones; encoded electronic chip cards and smart cards for inserting into integrated circuits for use in the field of communication and multimedia; electronic chip cards and smart cards for access to computing and telecommunications networks; blank smart cards; hologram apparatus; media for storing information, data, images and sound and blank magnetic, digital and optical data carriers and recording and storage media, namely, CDs, DVDs, audio tapes, video tapes, CD-ROMs, computer discs, laser discs, cartridges, magnetic data carriers, video cassettes, optical discs, record discs, magnetic cards, SIM cards and memory cards. blank magnetic cards and pre-recorded magnetic cards for use in the fields of communications, telecommunications and multimedia; cards containing microprocessors; integrated circuit cards; electronic identification cards for use in the fields of communications and telecommunications; prepaid telephone calling cards, magnetically encoded; telephone credit cards, magnetically encoded; magnetically encoded credit cards; magnetically encoded debit cards; electronic cards featuring electronic games designed for use with telephones; computer software for use in the communications and telecommunications fields; downloadable computer software from a computer database, the Internet or other electronic networks software for use in the communications and telecommunications fields; downloadable electronic publications, namely, newsletters, book, magazines, articles, newspapers, reports, manuals, cartoons, illustrated periodicals and research periodicals provided on-line from computer databases, the Internet or other electronic network in the fields of entertainment, lifestyle, music, sports, news and current affairs, business, finance, trade, technology, science, nature, industry, transport, farming and agriculture, art, history, travel, culture and languages; downloadable digital audio, video and data, namely, music, sound recordings, ring tones, electronic games, video, audio visual, MP3 files and recordings, graphics, artwork, and message alerts and downloadable multimedia files containing artwork, text, audio, images, video, games and Internet Web links, provided from a computer database or the Internet, including MP3 internet websites; MP3 players; personal digital assistants; satellite receiving and transmission apparatus and instruments, namely, satellite receivers, dishes, aerials, processors, radios, telephones and satellites. apparatus, namely, computer hardware and computer software

and telecommunication equipment, namely, telecommunication cables, exchangers, towers, transmitters for downloading audio, video and data from the Internet; battery chargers for use with telecommunications apparatus; batteries; adapters for use with telecommunications and communications apparatus and instruments; radio telephones, mobile and fixed telephones; downloadable films, namely, factual and fictional films about entertainment, lifestyle, music, sports, news and current affairs, business, finance, trade, technology, science, nature, industry, transport, farming and agriculture, art, history, travel, culture and language provided via a video-on-demand and video, music, audio, audio-visual and graphic images downloadable from a computer database, the Internet or other electronic network; television apparatus and instruments, namely, television sets, apparatus for projection purposes, aerials, decoders, remote controls, car televisions antennas, monitors, receivers, transmitters, converters, cameras, video and wireless television sets for providing video conferencing and telephone service over the Internet; radio and television broadcasting transmitters and receivers; apparatus for access to broadcast or transmitted programs, namely, radio antennas, aerials, receivers and monitors for reproduction of sound and signals, relay cables, sets, transmitters and radios, apparatus for transmitting radio programmes and radio relay messages, devices for wireless radio transmission, microwave transmission apparatus for delivering radio programs and messages, portable radios, computer software and hardware. electrical and electronic accessories and peripheral equipment designed and adapted for use with telecommunications and communications apparatus and instruments, computers, audio visual apparatus and electronic games equipment and apparatus, namely, digital camera accessories in the nature of a digital photo viewer, backup drives for computers, computer card adapters, cables, screen filters, printers, joysticks, keyboards, keypads, memories, monitors, monitor frames, mouse, lights pens, touch pads, and trackballs, computer peripherals, headsets for use with televisions, computers and radios, computer storage devices, namely, flash drives; electrical and electronic game apparatus, namely, game software, computer game cartridges, cassettes, software and discs, and joysticks; computers including laptop and notebook computers; programmed data carrying electronics circuits featuring programming for use in the fields of communications and telecommunications; electronic and satellite navigational and positional apparatus and instruments including global positioning systems; desk or car mounted units incorporating a loud speaker which permits hands-free use of a telephone handset; in-car telephone handset cradles; replacement parts for all the aforementioned goods; mobile

phone cases” in International Class 9, “Banking services including home, Internet and remote banking; financial sponsorship of entertainment, sports, leisure or charity events or activities; insurance and finance services including such services provided over the Internet or any other electronic network, namely, money transfer and money exchanges services and banking provided over telecommunications networks; credit card services; charge card services; underwriting property insurance, financing of loans and financial guarantee services relating to telecommunications and communications apparatus and instruments; provision of electronic payment services, namely, electronic processing and transmission of bill payment data and electronic fund transfer services and on-line transaction facilities provided over telecommunications networks, namely, financial clearing houses; provision of investment and fund management information; administration of transactions involving funds drawn from securities, stocks, funds, equities, bonds, cash, or other types of financial investments using a credit or debit facility over a global data telecommunications network; funds investment; stock, shares and bond information and brokerage services; provision of financial information and advisory services relating to monetary affairs and the aforementioned services, namely, the provision of financial information from a computer database, the Internet or other electronic or telecommunication network; provision of financial information and advice for the prospective purchasers of commodities and goods, all related to payment terms and insurance” in International Class 36, and “Telecommunication, mobile and fixed telecommunication, namely, cellular telephone communication; communication by electronic computer terminals; communication by mobile telephone; communication services namely, electronic transmission of data and documents among users of computers; communication via analogue and digital computer terminals; communication via computer terminals, and satellite, cellular telephone, and radio communication services; hire, leasing and rental of telecommunications, telephonic and communications apparatus and instruments; electronic voice messaging, namely, telephone and mobile telephone message recording and subsequent transmission, radio-paging, call diversion, call screening, and electronic mail services for others; transmission, delivery and reception of sound, data and images; providing dedicated personal telephone numbering services; loan of replacement telecommunications and communications apparatus and instruments in the case of breakdown, loss or theft; provision of Internet access services; provision of wireless application protocol services, namely, internet protocol television transmission services, voice over internet

protocol services, telecommunication internet protocol services, including those utilizing a secure communications channel; broadcast or transmission of radio or television programs; electronic messaging services, namely, sending, receiving and forwarding messages in the form of text, audio, graphic images or video or a combination of these formats; unified electronic messaging services; voicemail services; video conferencing services; video telephone services; providing telecommunications connections to computer databases, the Internet or other electronic networks; providing access to digital music audio, video and data websites from a database, the Internet, or other electronic network. telecommunication and communication database services, namely, transmission and reception of database information enabling the consumer to download digital content from a network and server to an individual database; providing third party users with access to telecommunications infrastructures for other operators; providing and leasing access time to computer databases, computer bulletin boards, computer networks and interactive computer communications networks; providing telecommunications information and consultancy services” in International Class 38, and Application Serial No. 85704217 therefor.

3. Upon information and belief, Monsan Capital Ltd (hereinafter “Registrant”) is the registrant of Registration No. 4495067 for the mark MPESO and Design for “Financial services, namely, providing on-line stored value accounts in an electronic environment and the administration of transactions involving funds drawn on or against said accounts; monetary transactions, namely, electronic transfer of money, electronic transfer of funds” in International Class 36. Registrant claims to have first used this mark as of March 31, 2010 in connection with the services identified in this registration.

4. In an Office Action issued on May 12, 2014, the Examining Attorney refused registration of Application Serial No. 85704217 under Section 2(d) of the Trademark Act based on Registration No. 4495067.

5. Petitioner has been using its M-PESA mark in interstate commerce since 2009, which is prior to the filing date of the application that matured to Registration No. 4495067.

6. The Petitioner believes that it is, and will be, damaged by the continued registration of Registration No. 4495067.

WHEREFORE, Petitioner requests that this petition be granted and the Registration be cancelled.

Petitioner hereby appoints John H. Weber, Mark H. Tidman, Kelu Sullivan and Michael Hirsch, all members of the law firm of Baker & Hostetler LLP and members of the Bar of the District of Columbia, to prosecute this cancellation proceeding and transaction all business in and before the U.S. Patent and Trademark Office in connection therewith.

Please address all correspondence to **Mark H. Tidman** at Baker & Hostetler LLP, Washington Square, Suite 1100, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5304. The filing for this cancellation in the amount of \$300.00 should be charged to Deposit Account 50-20-36.

Respectfully submitted,

Vodafone Group Plc

Date: July 28, 2014

By:



Mark H. Tidman

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July, 2014, a true copy of the Petition for Cancellation was served on Registrant via U.S. first-class mail, postage prepaid to:

Arturo Perez-Guerrero
Law Offices of Arturo Perez-Guerrero
P.O. Box 9024163
San Juan, Puerto Rico 00902-4163



Michael J. Hirsch