

ESTTA Tracking number: **ESTTA627393**

Filing date: **09/16/2014**

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 parties request to cancel indicated registration.

Petitioner Information

Name	Peoples Club of Nigeria International Princeton Junction, NJ Branch, Inc.		
Entity	Corporation	Citizenship	New Jersey
Address	Post Office Box 642 Princeton Junction, NJ 08550 UNITED STATES		

Name	Peoples Club of Nigeria International-Miami Branch		
Entity	Corporation	Citizenship	Florida
Address	2530 NW 131 Street Miami, FL 33167 UNITED STATES		

Name	Peoples Club of Nigeria International-Chicago Branch		
Entity	Corporation	Citizenship	Illinois
Address	7717 Keeler Avenue Skokie, IL 60076 UNITED STATES		

Attorney information	Craig S. Hilliard Stark & Stark PC 993 Lenox Drive Bldg 2 Lawrenceville, NJ 08648 UNITED STATES chilliard@stark-stark.com Phone:6092197426		
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Registration Subject to Cancellation

Registration No	4591874	Registration date	08/26/2014
Registrant	Peoples Club of Nigeria International 16 Wright St. Edison, NJ 08820 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 1994/00/00 First Use In Commerce: 1994/00/00 All goods and services in the class are cancelled, namely: Social club services, namely, arranging, organizing, and hosting social events,get-togethers, and parties for club members

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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Attachments	Ex A.pdf(33513 bytes) Ex B.pdf(64956 bytes) Ex C.pdf(20565 bytes) Petition to Cancel_Final(1).pdf(49431 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	/csh/
Name	Craig S. Hilliard
Date	09/16/2014

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STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
FILING CERTIFICATION (CERTIFIED COPY)

PEOPLE'S CLUB OF NIGERIA INTERNATIONAL, INC.
0101010702

*I, the Treasurer of the State of New Jersey,
do hereby certify, that the above named business
did file and record in this department a
Certificate of Incorporation on August 18th, 2010
and that the attached is a true copy of this
document as the same is taken from and compared
with the original(s) filed in this office and now
remaining on file and of record.*



Certificate Number: 117938876

Verify this certificate online at

http://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp

*IN TESTIMONY WHEREOF, I have
hereunto set my hand and affixed
my Official Seal at Trenton, this
19th day of August, 2010*

A handwritten signature in black ink, appearing to read "Andrew P. Sidamon-Eristoff".

*Andrew P Sidamon-Eristoff
State Treasurer*

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STATE OF NEW JERSEY
DEPARTMENT OF TREASURY
FILING CERTIFICATION (CERTIFIED COPY)

PEOPLE'S CLUB OF NIGERIA INTERNATIONAL
PRINCETON JUNCTION, NJ BRANCH INC.

0100972745

*I, the Treasurer of the State of New Jersey,
do hereby certify, that the above named business
did file and record in this department a
Certificate of Incorporation on December 4th, 2006
and that the attached is a true copy of this
document as the same is taken from and compared
with the original(s) filed in this office and now
remaining on file and of record.*

IN TESTIMONY WHEREOF, I have
hereunto set my hand and
affixed my Official Seal
at Trenton, this
19th day of December, 2006



Bradley Abelow

Bradley Abelow
State Treasurer

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July 17, 2014

To: ALL PCNI BRANCHES
ALL MEMBERS OF PCNI
MEMBERS OF GENERAL PUBLIC

Re: Un-authorized use of the name of Peoples Club of Nigeria International posted by Chief Sam C. Iwuchukwu and Hon Alhaji A. N. Obinwa dated 16th July, 2014.

Chief Iwuchukwu and Alhaji Obinwa in a signed statement posted the following on the internet:

“To be clear, Peoples Club of Nigeria International and Club Trademark Design registered in New Jersey USA under the President Emeritus and Patron Trustee Elect, Chief Fabian Onwuachu regime, belongs to all PCNI members... Thus, any legal action instituted by any person on the Trademark Design #86116372 shall be met by a counterclaim.”

Let the public be advised that the premise of the declaration authored by Chief Sam C. Iwuchukwu and Hon Alhaji Obinwa is patently false and therefore their declaration as published on July 16, 2014 is erroneous in its entirety. Chief Sam Iwuchukwu whom I know cannot knowingly and publicly invite the public to violate the United States Trademark laws.

I hereby declare the following to the public knowing fully well that if my declaration is false I am subject to punishment:

1. That I, Dr. Iddi Mgbako, am the incorporator and the Agent of the Peoples Club of Nigeria International (PCNI).
2. That PCNI is registered in the United States with a Federal Identification Number and a bank account in New Jersey.
3. That the US Address of PCNI is 16 Wright St. Edison, New Jersey.
4. That there is no Club Trademark Design registered in New Jersey USA under Chief Fabian Onwuanchu.
5. That the name PCNI and its 3 ring design with serial #86116372 is an approved trademark by the United States Government.
6. That any and all infringers of this trademark who are nonmembers of PCNI are hereby made aware of the serious consequences of the violation of the PCNI trademark reserved for use by only legitimate members of PCNI.
7. That the legitimate members of PCNI in the USA are members of one of our 17 branches who are part of the leadership core group (LCG) under the Chairmanship of Hon Bernard Osuagwu who are current with their SSS annual dues payment for the year 2013.
8. That those members who have either been suspended, expelled, or constitutionally rendered inactive due to nonpayment of SSS dues are

unauthorized persons under the Trademark Laws and their gathering under the name and logo of PCNI is unauthorized and a violation of Federal Law.

9. That the public be advised that we have retained Trademark attorneys for enforcement of our trademark. Any individual who has a counterclaim should send the name of their attorney to our PCNI US Address for the purpose of our attorney communicating with their attorney and avoiding unnecessary litigation.
10. That the public be aware that the legitimate leaders of PCNI as elected in December 2013 are Chief Joe Ilonze, President and Hon Smart Ebere, Secretary.

Please direct all inquiries to:

PCNI Trademark Enforcement Group
Peoples Club of Nigeria International
16 Wright St.
Edison, NJ 08820

Phone: 908-757-6456

Fax: 908-757-6476

Patron Dr. Eze Iddi Ambrose Mgbako, MD
Trademark Agent, PCNI
Papal Knight of St. Gregory the Great
July 17, 2014

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

In the Matter of Trademark Registration No. 4,591,874
For the Mark: Peoples Club of Nigeria International Service Mark
Date registered: 08-26-2014

PEOPLES CLUB OF NIGERIA
INTERNATIONAL (PCNI),
PRINCETON JUNCTION BRANCH,
PCNI CHICAGO BRANCH, PCNI
MIAMI BRANCH,

Petitioners,

v.

PEOPLES CLUB OF NIGERIA
INTERNATIONAL, INC., A New
Jersey Corporation,

Registrant.

PETITION TO CANCEL

The Petitioners are:

Peoples Club of Nigeria International – Princeton Junction Branch
Post Office Box 642
Princeton Junction, New Jersey 08550

Peoples Club of Nigeria International—Miami Branch
2530 NW 131 Street
Miami, Florida 33167

Peoples Club of Nigeria International—Chicago Branch
7717 Keeler Avenue
Skokie, Illinois 60076

To the best of Petitioners' knowledge, the name and address of the current owner of the registration is:

Peoples Club of Nigeria International, Inc.
16 Wright Street
Edison, New Jersey 08820

Petitioners believe that they will be damaged by the above-identified registration, and hereby petition to cancel the same.

PARTIES

1. Petitioner, Peoples Club of Nigeria International—Princeton Junction Branch, is a New Jersey Corporation located at Post Office Box 642, Princeton Junction, New Jersey 08550.
2. Petitioner, Peoples Club of Nigeria International—Miami Branch, is located at 2530 NW 131 Street, Miami, Florida 33167.
3. Petitioner, Peoples Club of Nigeria International—Chicago Branch, is located at 7717 Keeler Avenue, Skokie, Illinois 60076.
4. Petitioners are represented by Craig S. Hilliard, Esq., Stark & Stark, P.C., 993 Lenox Drive, Lawrenceville, New Jersey 08648.
5. Registrant, Peoples Club of Nigeria International, Inc. ("PCNI" or "Registrant"), is a New Jersey corporation located at 16 Wright Street, Edison, New Jersey 08820.
6. Registrant is represented by Matthew H. Swyers, Esq., The Trademark Company, 344 Maple Ave. West, Suite 151, Vienna, Virginia 22180.

FACTS

7. Registrant filed a Certification of Incorporation with the State of New Jersey on August 18, 2010. See Ex. "A."

8. Petitioner, PCNI Princeton Junction Branch, filed a Certification of Incorporation with the State of New Jersey on December 4, 2006. See Ex. “B.”
9. On November 12, 2013, Registrant filed an application with the United States Patent and Trademark Office (“USPTO”) to register a service mark that consisted of the words “Peoples Club of Nigeria International” with three rings linked together in a blue circle bordered in black linked to a red circle bordered in black linked to a yellow circle bordered in black.
10. In the trademark application, the Registrant declared under oath that it “believe[d] the applicant to be the owner of the trademark/service mark sought to be registered....”
11. Additionally, in the trademark application, the Registrant declared under oath that “to the best of [its] knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce....”
12. The Registrant attached a sample PCNI letterhead to the trademark application. On that document the words “Info@thetrademarkcompany.com” and “Attn: New Mark Design” were scrolled in handwritten writing. Notably, the Princeton Junction branch, Miami branch, Chicago branch and 17 other branches were listed as USA branches on the letterhead.
13. On February 27, 2014, the USPTO issued an Office Action in response to the Registrant’s application.
14. In that Office Action, the USPTO sought clarification of the entity information requirement. The USPTO stated, “In the application, applicant identified its legal entity as an ‘association’ organized in Nigeria. In addition to specifying the country

under whose laws it is organized or exists, applicant must also indicate whether the association is incorporated or unincorporated.”

15. On April 9, 2014, the Registrant filed a Response to the Office Action. In that Response, the Registrant attached another PCNI letterhead. The Registrant represented that the letterhead was a specimen of the Mark in use as of the date of the filing of the application. Prominently displayed along the top of that letterhead was a detailed listing of various “USA Branches.” Notably, the Princeton Junction branch was *not* present on this letterhead. Nor were the Miami and Chicago branches listed.
16. There is a current dispute within PCNI between the Petitioners and Registrant. The split has created two primary groups.
17. The first group is the Pentagons, also known as the Leadership Core Group. The Registrant is affiliated with this group.
18. The second group is the Progressives. The Progressives consist of the Petitioner branches.¹
19. The Registrant and its affiliates (i.e. the Leadership Core Group or Pentagons) consider the Petitioners (i.e. the Progressives) illegitimate.
20. By a “Public Notice” dated July 17, 2014, the Registrant stated that it had retained trademark attorneys to enforce its registered trademark. See Ex. “C.”
21. Notably, in the Response to Office Action, the Registrant indicated that PCNI was a “corporation” incorporated in “Nigeria.”

¹ The following branches are also part of the Progressive group: PCNI Houston, PCNI Washington D.C., PCNI New York, PCNI Cherry Hill, PCNI San Francisco, PCNI San Antonio, and PCNI Toronto.

22. The Service Mark was registered on August 26, 2014, under Registration No. 4,591,874.

GROUND FOR CANCELLATION

23. Petitioner repeats and realleges all of the foregoing allegations as if repeated verbatim herein.

24. Registrant committed fraud on the USPTO in stating under oath in its application that Registrant had an exclusive right to use the Mark. Registrant purposefully removed some of the Petitioners from the PCNI letterhead prior to submitting its Response to Office Action on April 9, 2014. Registrant now claims exclusive use of the registered Mark, fails to recognize Petitioners' lawful and long-standing right to use the Mark and threatens to initiate litigation to prevent Petitioners' use of the Mark.

25. Registrant committed fraud on the USPTO in stating under oath in its application that Registrant was a Nigerian corporation. In fact, Registrant is a New Jersey corporation. See Ex. "A."

26. Petitioners, along with all other USA branches of PCNI, have long used the Mark recently registered with the USPTO.

27. Registrant committed fraud by not disclosing to the USPTO that the two factions in each USA branch (the Progressives and the Pentagons) have used the Mark lawfully for many years. Petitioners have used the Mark since inception of their respective branches.

28. Registrant failed to inform the USPTO of its plan to use the Mark for the exclusive benefit of the Pentagon faction. The Registrant deliberately failed to inform the USPTO that the Petitioners had used the Mark in the past.

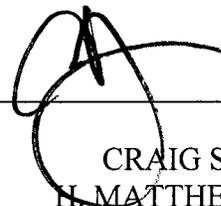
CONCLUSION

For the reasons expressed herein, Petitioners believe that the registration was fraudulently obtained and that the trademark application and subsequent submissions were less than complete. As such, Petitioners respectfully request that the registration be cancelled and for such other relief as appropriate.

Respectfully submitted,

Stark & Stark
A Professional Corporation

By: _____



CRAIG S. HILLIARD
H. MATTHEW TAYLOR
993 Lenox Drive, Bldg. 2
Lawrenceville, NJ 08648
(609) 895-7346
Attorneys for Petitioner

Date: _____

9/16/14