

ESTTA Tracking number: **ESTTA628669**

Filing date: **09/23/2014**

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	Mecum Auction Inc.		
Entity	Corporation	Citizenship	DELAWARE
Address	445 South Main Street WALWORTH, WI 53717 UNITED STATES		

Attorney information	Daniel E. Kattman Reinhart Boerner Van Deuren s.c. 1000 N. Water Street Suite 1900 Milwaukee, WI 53202 UNITED STATES tadmin@reinhartlaw.com Phone:4142988185		
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### Registration Subject to Cancellation

Registration No	2600589	Registration date	07/30/2002
Registrant	Dealmaker, LLC 137 Main Avenue Watertown, NY 13601 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 035. First Use: 2000/03/13 First Use In Commerce: 2000/04/07  
All goods and services in the class are cancelled, namely: AUTOMOBILE DEALERSHIP SERVICES

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Dealmaker Petition to Cancel.pdf(158630 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/dek/
Name	Daniel E. Kattman
Date	09/23/2014



4. Mecum refers to its founder and owner, Dana Mecum, as "THE DEALMAKER"; and Dana Mecum and his son Frank Mecum collectively use the term "THE DEALMAKERS" on Mecums' television programs and at auctions.

5. Mecum has filed and possesses common law trademark rights to U.S. trademark Application Serial Nos. 86338580 for "DEALMAKER", 86338593 for "THE DEALMAKERS" and 86338560 for "MECUM DEALMAKERS"; all for: "Online and broadcast television programming and videos featuring live and recorded auctions and information related to vehicle-related collectibles, automobiles, race cars, airplanes, tractors, yachts and motorcycles, artwork, automotive memorabilia, toys, and celebrity-owned memorabilia and personal items, clothing, jewelry, books and related collectibles; Websites, blogs, electronic newsletters and magazines and online auctions featuring vehicle-related collectibles, automobiles, race cars, airplanes, tractors, yachts and motorcycles, artwork, automotive memorabilia, toys, and celebrity-owned memorabilia and personal items, clothing, jewelry, books and related collectibles; retail store services and online retail store sales featuring vehicle-related collectibles, automobiles, race cars, airplanes, tractors, yachts and motorcycles, artwork, automotive memorabilia, toys, and celebrity-owned memorabilia and personal items, clothing, jewelry, books and related collectibles; Buying and selling automobiles, race cars, airplanes, tractors, yachts and motorcycles, artwork, automotive memorabilia; Athletic apparel, namely, shirts, pants, jackets, shirts; sweatshirts; t-shirts; footwear; hats and caps; Children's and infant's apparel, namely, jumpers, sleepwear, pajamas, shirts, baby bibs not of paper and hats; gloves; Printed materials, namely, catalogues and magazines featuring vehicle-related collectibles, automobiles, race cars, airplanes, tractors, yachts and motorcycles, artwork, automotive memorabilia, toys, and

celebrity-owned memorabilia and personal items, clothing, jewelry, books and related collectibles; buttons, stickers, signs" in International Class 036.

6. Registrant owns the U.S. Trademark Registration No. 2600589 for the mark "DEALMAKER" for use in connection with "automobile dealership services", which was filed on January 10, 2001 and registered on July 30, 2002 (the "Cited Registration").

7. On information and belief, Registrant has ceased to use in interstate commerce and has abandoned the mark DEALMAKER.

8. On information and belief, Registrant intended to abandon the mark DEALMAKER in interstate commerce.

9. The existence of the Cited Registration has and will continue to cause harm to Petitioner's business and Petitioner's trademark rights in and to the Mecum Marks.

WHEREFORE, Mecum requests that this Petition to Cancel the Cited Registration be sustained and that the Cited Registration be cancelled.

Respectfully submitted on behalf of Mecum Auction Inc. by its attorneys, the firm of Reinhart Boerner Van Deuren, s.c.

Reinhart Boerner Van Deuren, s.c.  
1000 North Water Street, Suite 1900  
Milwaukee, WI 53202-3186  
414-298-1000

By

  
Daniel E. Kattman  
Wisconsin State Bar ID No. 1030513  
Attorney for Petitioner

Date: September 23, 2014

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on the Applicant and its Attorney of record listed below by mailing said copy on March 24, 2014 via First Class Mail, postage prepaid to:

Dealmaker, LLC  
137 Main Avenue  
Watertown, NEW YORK 13601

By:



Daniel E. Kattman  
Attorney for Petitioner

Date: September 23, 2014