

ESTTA Tracking number: **ESTTA639204**

Filing date: **11/15/2014**

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	YOGA- GO, LLC		
Entity	LLC	Citizenship	California
Address	60 W Baltimore Avenue Larkspur, CA 94904 UNITED STATES		

Attorney information	Elizabeth Oliner Oliner Law 345 Grove Street, 2nd Floor San Francisco, CA 94102 UNITED STATES liz@olinerlaw.com Phone:650 549 5298
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**Registration Subject to Cancellation**

Registration No	2915480	Registration date	01/04/2005
International Registration No.	NONE	International Registration Date	NONE
Registrant	JOSE GOMEZ BENET, S.A. Villarroel, 106 08011 Barcelona, SPAIN		

**Goods/Services Subject to Cancellation**

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Clothing, namely, coats, jackets, leather belts, trouser; footwear, headwear, leather coats, and leather jackets
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**Grounds for Cancellation**

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	YOGO CANCELLATION 11.15.14.pdf(100699 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	/EO/
Name	Elizabeth Oliner
Date	11/15/2014

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

*In the Matter of Registration Number: 2,915,480*

YOGO-GO, LLC  
Petitioner,

Cancellation No.

Registration No. 2915480

Mark: YOGO (+ design)

v.

Jose Gomez Benet, S.A  
Registrant

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**PETITION TO CANCEL**

YOGO - GO, LLC (“Petitioner”), a California Limited Liability Company, believes that it is, or will be damaged by the continued registration of U.S. Trademark Registration No. 2,915,480 for YOGO (+ design) (the “Registration” or “Mark”), granted to Jose Gomez Benet, S.A (“Registrant”) and therefore files this petition for cancellation of this Registration of Jose Gomez Benet, S.A in international trademark class 25 for the following goods:

- Clothing, namely, coats, jackets, leather belts, trouser; footwear, headwear, leather coats, and leather jackets

As grounds for the cancellation, Petitioners, it is alleged that:

1. Petitioner is a limited liability company, providing a variety of yoga accessories and clothing items.

2. On May 6, 2014, Petitioner filed an application for registration of the mark YOGO, namely, USPTO Serial No 86/272,617 in international trademark classes 25 and 28.
3. On July 29, 2014, the United States Patent and Trademark Office (“USPTO”) issued an Office Action, which stated that Petitioner’s YOGO mark in international class 25 is confusingly similar to Registrant’s YOGO (+ design) registration, U.S. Reg. No. 2,915,480 and the examiner at the USPTO refused registration of the Applicant’s Mark under Trademark Act Section 2(d).
4. Registrant is listed in the USPTO Trademark Status and Document Retrieval database as the current owner of the Registration.
5. Upon information and belief, Registrant is a Spanish company with an address located in Barcelona, Spain.
6. Upon information and belief, the Attorney of Record for the Registration is Charles P. LaPolla, a lawyer at Ostrolenk Faber LLP, with an address at 1180 Avenue of the Americas, 7th Floor in New York, NY 10036.
7. On April 15, 2001, Registrant filed Application serial number 76/300,864 as a 44(e) Application in connection with, among other items, “Clothing, namely, coats, jackets, leather belts, trouser; footwear, headwear, leather coats, and leather jackets.” This Application matured into the Registration on January 4, 2005.
8. The Registrant then filed Section 8 and Section 15 affidavits on January 4, 2011.
9. Upon information and belief, Registrant is not presently using the Mark in interstate commerce within the US.
10. Registrant’s nonuse of the Mark in interstate commerce has resulted in abandonment of the Mark within the meaning of 15 U.S.C. §§ 1064(3) and 1127.
11. Based on the foregoing, the continued registration of the Mark depicted in Registration No 3,863,592 on the Principal Register of the United States Patent and Trademark Office for the goods listed in International Trademark Class 25, will cause injury and damage to Petitioner.

WHEREFORE, Petitioner requests that Registration No. 2,915,480 for the mark YOGO (+ design) in international trademark class 25 be cancelled and that this Petition for Cancellation be sustained in favor of the Petitioner.

Respectfully submitted,

/Elizabeth Oliner/

Dated: 11/15/2014

Elizabeth Oliner

Oliner Law

345 Grove Street, 2<sup>nd</sup> Floor

San Francisco, CA 94102

[liz@olinerlaw.com](mailto:liz@olinerlaw.com)

Attorney for Petitioner

Certificate of Mailing and Service

The Attorney for the Petitioner certifies that on November 15, 2014, the foregoing is being served by a copy thereof by certified mail to the Attorney for the Registrant:

Charles P. LaPolla  
Ostrolenk Faber LLP  
1180 Avenue of the Americas, 7th Floor  
New York, NY 10036

Signed,  
/Elizabeth Oliner/