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Filing date: **02/02/2015**

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	Cole Egger		
Entity	Individual	Citizenship	UNITED STATES
Address	2807 Allen Street Suite 369 Dallas, TX 75204 UNITED STATES		

Attorney information	Molly Buck Richard Richard Law Group 8411 Preston Road Suite 890 Dallas, TX 75225 UNITED STATES molly@richardlawgroup.com Phone:214-206-4301		
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Registration Subject to Cancellation

Registration No	4644330	Registration date	11/25/2014
Registrant	DRIP INTERNATIONAL INC. SUITE 400 WILMINGTON, DE 19808 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2013/08/01 First Use In Commerce: 2013/08/01 All goods and services in the class are cancelled, namely: Providing on-line non-downloadable software for social media management and productivity services for use in curating, organizing, optimizing, scheduling, distributing, tracking, analyzing, outbound and inbound multimedia content on multiple social networking services via computers, mobile phones, tablets, wired and wireless communication devices

Grounds for Cancellation

Other	Registrant was not using the mark as of the filing date of its use based application and thus, the registration is void ab initio under Section 1(a).
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Attachments	Petition for Cancellation.pdf(52321 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	/Molly Buck Richard/
Name	Molly Buck Richard
Date	02/02/2015

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

COLE EGGER)	
)	
Petitioner)	
)	
v.)	
)	Cancellation No. _____
DRIP INTERNATIONAL, INC.)	
)	Registration No. 4,644,330
)	
Registrant)	

PETITION FOR CANCELLATION

Cole Egger (hereinafter “Petitioner”) files this Petition for Cancellation against Registration No. 4,644,330 registered to Drip International, Inc. (hereinafter “Registrant”) and in support thereof would show as follows:

1. Registrant received a registration for the mark DRIP on November 25, 2014 under Registration No. 4,644,330 in International Class 42 for “Providing on-line non-downloadable software for social media management and productivity services for use in curating, organizing, optimizing, scheduling, distributing, tracking, analyzing, outbound and inbound multimedia content on multiple social networking services via computers, mobile phones, tablets, wired and wireless communication devices,” alleging use since August 1, 2013.

2. Applicant has filed two applications for the marks DRIP and DRIP THAT under Serial No. 86/350,080 and 86/349,410 respectively and the PTO has cited Registrant’s prior filed application as a potential bar to registration of the marks under Section 2(d).¹

3. The original applicant for Registration No. 4,644,330 was Drip In, Inc., a Delaware corporation. In fact, there is no corporation by that name and never has been. Instead of correcting the error, Registrant filed an assignment with the PTO assigning the application from Drip In, Inc. to Drip International, Inc. This assignment was false and fraudulent.

¹ Since the Office Actions issued, Registrant’s prior filed application issued to registration and thus, Applicant expects that the prior registration will be cited under Section 2(d).

4. Registrant filed its application based on use in commerce prior to the filing date of the application for the applied for services. In fact, Registrant was not using the mark in commerce prior to the application and thus, the application is considered void ab initio under Section 1(a).

5. If Registrant's mark is allowed to continue to exist on the Principal Register, Petitioner will be damaged by the continued registration of this mark as it may be unable to register the marks which are the subject of Petitioner's applications.

WHEREFORE, Petitioner prays that this Petition for Cancellation be granted and that Registration No. 4,644,330 be cancelled.

Respectfully submitted,

/Molly Buck Richard/
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COUNSEL FOR PETITIONER,
COLE EGGER

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Petition has been mailed to Drip International, Inc. at 2711 Centerville Road, Suite 400, Wilmington, DE 19808 on this the 2nd day of February, 2015.

/Molly Buck Richard/