

ESTTA Tracking number: **ESTTA675129**

Filing date: **05/29/2015**

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	Making the Brand LLC		
Entity	limited liability company	Citizenship	New York
Address	1440 Broadway New York, NY 10018 UNITED STATES		

Attorney information	James L. Vana and Jennifer L. Jolley Perkins Coie LLP 1201 Third Ave, Ste 4900 Seattle, WA 98101 UNITED STATES pctrademarks@perkinscoie.com, jjolley@perkinscoie.com, sstewart@perkinscoie.com Phone:206-359-8000
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Registration Subject to Cancellation

Registration No	3880786	Registration date	11/23/2010
Registrant	Esannason, Marc 23 Montgomery Ave Elmsford, NY 10523 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2010/06/08 First Use In Commerce: 2010/06/08 All goods and services in the class are cancelled, namely: Entertainment services, namely, an on-going series featuring marketing provided through webcasts

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	MAKING A BRAND Petition to Cancel.pdf(53105 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	/jennifer l jolley/
Name	James L. Vana and Jennifer L. Jolley

Date	05/29/2015
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Making the Brand LLC,
Petitioner,
v.
Marc Esannason AKA Globol Spin,
Registrant.

PETITION FOR CANCELLATION

Registration No.: 3880786

Making the Brand LLC ("Petitioner") believes that it will be damaged by the continued registration for the mark MAKING A BRAND ("Registrant's Mark") by Marc Esannason AKA Globol Spin ("Registrant") and petitions to cancel the Registration. As grounds for its petition, Petitioner alleges as follows:

I. PARTIES

1. Petitioner is a New York limited liability company having a place of business in New York, New York.
2. On information and belief, Registrant is an individual residing in Elmsford, New York.

II. PETITIONER'S MARK

3. Petitioner has filed trademark applications No. 86/183,608, 86/183,589 and 86/183,584 ("Petitioner's Applications," copies attached as Exhibit A hereto) for the mark MAKING THE BRAND ("Petitioner's Mark").
4. Petitioner's Applications have been refused based on Registrant's prior Registration No. 3,880,786 (the "Registration") for the mark MAKING A BRAND.

III. REGISTRANT'S REGISTRATION

5. The Registration was issued on November 23, 2010 for use in connection with entertainment services, namely, an on-going series featuring marketing provided through webcasts in Class 41 ("Registrant's Services").

IV ABANDONMENT

6. On information and belief, Registrant has ceased using Registrant's Mark in commerce with Registrant's Services, with no intent to resume use of Registrant's Mark.

7. On information and belief, Registrant has discontinued use of Registrant's Mark in commerce for a period of at least three consecutive years, or never commenced use in commerce for such a period following the date the Registration was issued.

8. Because Registrant's Mark has been abandoned, Registrant's Registration should be cancelled.

IV. REQUEST FOR RELIEF

9. The continued registration of Registrant's Mark would prevent Petitioner from registering Petitioner's Mark, and from exercising exclusive control over the goodwill and reputation associated with Petitioner's Mark. Therefore, the continued registration of Registrant's Mark would damage and injure Petitioner.

WHEREFORE, Opposer requests that the Registration be cancelled.

DATED: May 29, 2015

PERKINS COIE LLP

CERTIFICATE OF SERVICE

I hereby certify that this Petition For Cancellation is being deposited with the United States Postal Service with sufficient postage as first class mail on May 29, 2015 in an envelope addressed to 23 Montgomery Ave, Elmsford NY 10523

Signature: /Jennifer Jolley/

By /Jennifer L. Jolley/

Jennifer L. Jolley

James L. Vana

Perkins Coie LLP

1201 Third Avenue, Suite 4900

Seattle, Washington 98101

(206) 359-8000

Attorneys for Making the Brand LLC

Exhibit A

Status and Title Copy of

Petitioner's Application

Nos. 86/183,608, 86/183,589 and

86/183,584

Generated on: This page was generated by TSDR on 2015-05-29 18:24:51 EDT

Mark: MAKING THE BRAND

MAKING THE BRAND

US Serial Number: 86183608

Application Filing Date: Feb. 04, 2014

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 31, 2014

Mark Information

Mark Literal Elements: MAKING THE BRAND

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number:

International Application(s) A0044239

/Registration(s) Based on this Property:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: CDPrecorded CDs, DVDs, audio recordings, downloadable MP3 files, downloadable MP4 files, downloadable audio recordings, audio visual recordings, downloadable audio visual recordings, digital recordings, downloadable digital recordings, audio clips, video clips, and downloadable multimedia files all featuring motion pictures, animated motion pictures, videos, documentary films and programs, dramas, comedies, action content, adventure content, television programs, television programming, television series, music, music videos, music performances, film clips, photographs, and current events news; downloadable mobile phone ring tones; Digital music and audiovisual recordings downloadable via the Internet and wireless devices; downloadable pod casts featuring music, music videos, audio files, video files, audio books, and news broadcasts; downloadable electronic photographs; downloadable pre-recorded video clips featuring content related to fashion, celebrities, film, movies, documentaries, television series, or television programming; multimedia files containing text and graphics relating to films, documentaries, movies, television series, television programming, music and music performances; downloadable magazine in the field of television programming; mobile phones; smart phones; cellular phones; hands-free kits for mobile phones, smart phones, cellular phones, and other wireless and mobile telecommunication devices consisting of headsets, faceplates, and cables; specialty holsters for carrying personal digital assistants, mobile phones, smart phones, and cellular phones; carrying cases for carrying personal digital assistants, mobile phones, smart phones, and cellular phones; covers for personal digital assistants, mobile phones, smart phones, and cellular phones; personal digital assistants; digital cameras; mp3 players; mp4 players; headphones; personal headphones for use with sound transmitting systems; personal stereos; automotive stereos; digital audio media recorders; digital audio media players; digital video media recorders; digital video media players; musical instrument digital interfaces (midi) devices; digital photo frames for displaying digital pictures, video clips, and music; computers; computer tablets; computer hardware; computer peripherals; computers for recording, organizing, transmitting, manipulating, and reviewing audio and video files; CD cases; DVD cases; electronics; pre-recorded media, namely, computer floppy discs, CD-ROMS, CDs, and DVDs featuring video game software and platforms; headphones sold as a unit with pre-wired clothing and headwear; hardware to provide over-the-top entertainment content and subscription services; digital media receivers and streaming media players; computer application software for mobile phones, smart phones, cellular phones, computers, computer tablets, and electronic devices for downloading, uploading, playing, viewing, recording, reproducing, transmitting, publishing, disseminating, editing, creating, tagging, blogging, sharing, and streaming audio recordings, audio visual recordings, videos, text, data, images, and multimedia content; computer software for processing digital music files; music-composition and video-composition software; computer game software; computer game programs; computer game software that may be downloaded from mobile phones, computers, computer tablets, and electronic devices; video game software; downloadable video games; software to provide over-the-top entertainment content and subscription services; computer software for use in organizing, transmitting, receiving, manipulating, playing and reviewing text, data, image, audio, and video files; computer software for the reproduction, processing and streaming of audio, video and multimedia content; computer software for controlling the operation of audio and video devices and for viewing, searching and/or playing audio, video, television, movies, music, photographs and other digital images, and other multimedia content; computer software for digital media receivers and streaming media players; sunglasses; eyeglasses; eyeglass frames; eyewear cases; eyewear chains; eyewear cords

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	Yes	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Making the Brand LLC
Owner Address: 1710 Broadway
New York, NEW YORK 10019
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Richard T. Ross
Attorney Primary Email Address: pctrademarks@perkinscoie.com
Docket Number: 82883.4006.0
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: RICHARD T. ROSS
PERKINS COIE LLP
1201 3RD AVE STE 4900
SEATTLE, WASHINGTON 98101-3099
UNITED STATES
Phone: 206-359-8000
Fax: 206-359-9000
Correspondent e-mail: pctrademarks@perkinscoie.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 31, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Dec. 31, 2014	NON-FINAL ACTION E-MAILED	
Dec. 31, 2014	NON-FINAL ACTION WRITTEN	76465
Nov. 20, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	77312
Nov. 20, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Nov. 19, 2014	ASSIGNED TO LIE	77312
Nov. 17, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 18, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 18, 2014	NON-FINAL ACTION E-MAILED	6325
May 18, 2014	NON-FINAL ACTION WRITTEN	76465
May 11, 2014	ASSIGNED TO EXAMINER	76465
Feb. 14, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 07, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: FLETCHER, TRACY L
Law Office Assigned: LAW OFFICE 115

File Location

Current Location: TMO LAW OFFICE 115 - EXAMINING ATTORNEY ASSIGNED
Date in Location: Dec. 31, 2014

Generated on: This page was generated by TSDR on 2015-05-29 18:25:19 EDT

Mark: MAKING THE BRAND

MAKING THE BRAND

US Serial Number: 86183589

Application Filing Date: Feb. 04, 2014

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 31, 2014

Mark Information

Mark Literal Elements: MAKING THE BRAND

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration
Number:

International
Application(s) A0044239

/Registration(s) Based on
this Property:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Online retail store services featuring fragrances, cosmetics, personal care products, eyewear, sunglasses, jewelry, watches, clothing, apparel, headwear, footwear, fashion accessories, posters, bags, leather fashion accessories, luggage, wallets, and purses, electronics, home furnishings, drink ware, collectible items, sound recordings, video recordings, audiovisual content, downloadable musical sound recordings, downloadable ringtones for mobile phones, prerecorded DVDs and CDs, books, watches, games, toys, and gifts; retail store services featuring fragrances, cosmetics, personal care products, eyewear, sunglasses, jewelry, watches, clothing, headwear, footwear, bags, leather fashion accessories, luggage, wallets, and purses, electronics, home furnishings, sound recordings, video recordings, audiovisual content, downloadable musical sound recordings, downloadable ringtones for mobile phones, prerecorded DVDs and CDs, toys, and gifts; providing an online database for commercial administration of licensing of vintage and current broadcasts, interviews, images, stock and archival footage collections

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Making the Brand LLC

Owner Address: 1710 Broadway
New York, NEW YORK 10019
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: NEW YORK

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Richard T. Ross **Docket Number:** 82883.4006.0
Attorney Primary Email Address: pctrademarks@perkinscoie.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: RICHARD T. ROSS
PERKINS COIE LLP
1201 3RD AVE STE 4900
SEATTLE, WASHINGTON 98101-3099
UNITED STATES
Phone: 206-359-8000 **Fax:** 206-359-9000
Correspondent e-mail: pctrademarks@perkinscoie.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

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Dec. 31, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Dec. 31, 2014	NON-FINAL ACTION E-MAILED	
Dec. 31, 2014	NON-FINAL ACTION WRITTEN	76465
Nov. 18, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 17, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 17, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 17, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 17, 2014	NON-FINAL ACTION E-MAILED	6325
May 17, 2014	NON-FINAL ACTION WRITTEN	76465
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TM Staff and Location Information

TM Staff Information

TM Attorney: FLETCHER, TRACY L **Law Office Assigned:** LAW OFFICE 115

File Location

Current Location: TMO LAW OFFICE 115 - EXAMINING ATTORNEY ASSIGNED **Date in Location:** Dec. 31, 2014

Generated on: This page was generated by TSDR on 2015-05-29 18:27:01 EDT

Mark: MAKING THE BRAND

MAKING THE BRAND

US Serial Number: 86183584

Application Filing Date: Feb. 04, 2014

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 31, 2014

Mark Information

Mark Literal Elements: MAKING THE BRAND

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number:

International Application(s) A0044239

/Registration(s) Based on this Property:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Entertainment services in the fields of film, television, and music, namely, the creation, production, post production, and distribution of films, movies, videos, television programs and programming, television series, webisodes, web series, all featuring documentaries, music, music videos, animation, news, sports, special variety, talent contests, awards shows, audio files, video files, audio visual files, multimedia content or computer generated images; entertainment services in the fields of film, television, and music, namely, the creation, production, post production, and distribution of music and music videos; providing non-downloadable films, movies, videos, television programs and programming, television series, webisodes, web series, all featuring documentaries, music, music videos, animation, news, sports, special variety, talent contests, awards shows, audio files, video files, audio visual files, multimedia content, and or computer generated images; entertainment services, namely, providing temporary use of non-downloadable computer and video games; entertainment services, namely, personal appearances by film, movie, television and music celebrities; production of entertainment, namely, films, movies, documentaries, videos, television programs and programming, television series, webisodes, web series, music, music videos, animation, news, sports, special variety, awards shows, audio files, video files, audio visual files, games, multimedia content, and computer generated images; production, distribution and rental of sound and visual recordings; animation production services; special effects production services; theater productions; recording studio services; organizing and presenting displays of entertainment memorabilia; providing a website featuring entertainment content; providing a website featuring entertainment information; entertainment services, namely, providing prerecorded audio and audio visual content in the fields of films, movies, documentaries, videos, television programs and programming, television series, webisodes, web series, music, music videos, animation, news, sports, special variety, awards shows, audio files, video files, audio visual files, games, multimedia content, and computer generated images via the Internet, electronic communications networks, computer networks, and wireless networks; information relating to entertainment and education provided on-line from a computer database or the internet; providing information, ratings, reviews, and recommendations in the field of entertainment via the Internet, electronic communications networks, computer networks, and wireless networks; online journals, namely, blogs featuring articles, posts, and information in the fields of films, movies, documentaries, videos, television programs and programming, television series, webisodes, web series, music, music videos, animation, news, sports, special variety, awards shows, audio files, video files, audio visual files, games, multimedia content, and computer generated images; education services, namely, operating a school of musical instruction; education services, namely, operating a school of film, video, and television instruction; education services, namely, operating a school of acting instruction; education services, namely, operating a school of fashion, fashion design, and fashion accessories instruction; education services, namely, providing classes, seminars, and workshops in the fields of entertainment and fashion; educational services, namely, an educational initiative providing educators with subscription, premium, or pay television programming for educational purposes; providing online publications and non-downloadable electronic publications in the nature of books and magazines in the fields of entertainment, film, television, fashion, and music

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: NEW YORK

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Docket Number: 82883.4006.0
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: RICHARD T. ROSS
 PERKINS COIE LLP
 1201 3RD AVE STE 4900
 SEATTLE, WASHINGTON 98101-3099
 UNITED STATES
Phone: 206-359-8000
Fax: 206-359-9000
Correspondent e-mail: pctrademarks@perkinscoie.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

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TM Staff and Location Information

TM Staff Information

TM Attorney: FLETCHER, TRACY L
Law Office Assigned: LAW OFFICE 115

File Location

Current Location: TMO LAW OFFICE 115 - EXAMINING ATTORNEY ASSIGNED
Date in Location: Dec. 31, 2014