

ESTTA Tracking number: **ESTTA682263**

Filing date: **07/07/2015**

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	Momentum Licensing, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	4801 Staunton Avenue Los Angeles, CA 90058 UNITED STATES		

Attorney information	Farhad Novian Novian & Novian LLP 1801 Century Park East, Suite 1201 Los Angeles, CA 90067 UNITED STATES trademarks@novianlaw.com, sharon@novianlaw.com Phone:(310) 553-1222		
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Registration Subject to Cancellation

Registration No	3952188	Registration date	04/26/2011
Registrant	ZUMIEZ SERVICES INC. 4001 204TH STREET SW LYNNWOOD, WA 98036 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2010/07/23 First Use In Commerce: 2010/07/23
All goods and services in the class are cancelled, namely: Footwear

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	2015.07.07 Petition for Cancellation.pdf(18464 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	/Sharon Raminfard/
Name	Sharon Raminfard
Date	07/07/2015

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

MOMENTUM LICENSING, INC.,
Petitioner,

Registration No. 3952188

v.

PETITION FOR CANCELLATION

ZUMIEZ SERVICES, INC.,
Registrant.

In the matter of the Trademark Registration No. 3952188 in Class 25 for “footwear,” which issued on April 26, 2011, for the word mark ANTIC (“Registrant’s Mark”), owned by Zumiez Services, Inc., a Washington corporation, having an address of 4001 204th Street SW, Lynnwood, Washington 98036 (“Registrant”), Momentum Licensing, Inc., a Delaware corporation, having an address of 4801 Staunton Avenue, Los Angeles, California 90058 (hereinafter referred to as “Petitioner”), believing it has been and will be damaged by Registrant’s Mark, hereby seeks cancellation of same.

The grounds for the cancellation are as follows:

1. Registrant claims to own the rights in Registrant’s Mark by virtue of its use in commerce, and has obtained registration of Registrant’s Mark on the same basis. Registrant claims a date of first use of July 23, 2010.
2. On March 17, 2014, Petitioner filed USPTO Trademark Application No. 86223091 for the mark “ANTIC” in Class 25 for “men's and boy’s clothing, namely, shirts, T-shirts, pullovers, sweaters, hoodies, vests, pants, shorts, jackets, swimwear, socks, and active wear, namely, shirts, T-shirts, pullovers, sweaters, jackets, pants, and shorts; Men’s and boy’s accessories, namely belts, hats, and scarves” (“Petitioner’s Application”).

3. Upon information and belief, Registrant is no longer making use of Registrant's Mark in commerce, has not made such use for over three (3) years, and no longer has a bona fide intent to use the mark in commerce. By virtue of such non-use, Registrant has abandoned Registrant's Mark.
4. Registrant's Mark poses a threat to and creates a substantial obstacle towards the registration of Petitioner's Application for ANTIC in that the Registrant's Mark has been used as a basis to challenge Petitioner's Application by virtue of a USPTO office action.
5. For the foregoing reasons, Petitioner is being damaged and harmed by Registrant's Mark.

WHEREFORE, Petitioner prays that Registrant's Mark be cancelled.

/Sharon Raminfard/
SHARON RAMINFARD
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Los Angeles, CA 90067
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sharon@novianlaw.com

Dated: July 7, 2015

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing PETITION FOR CANCELLATION was served on Registrant on July 7, 2015 as follows:

BY U.S. MAIL

Zumiez Services, Inc.
4001 204th St. SW
Lynnwood, WA 98036

Claire F. Hawkins, Esq.
Garvey Schubert Barer
1191 2nd Ave., Suite 1800
Seattle, WA 98101

/Amanda McGill/
Amanda McGill
Legal Assistant

Date: July 7, 2015