

ESTTA Tracking number: **ESTTA685105**

Filing date: **07/22/2015**

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	PaperMoon, LLC		
Entity	limited liability company	Citizenship	Texas
Address	P.O. Box 223 Driftwood, TX 78619 UNITED STATES		

Attorney information	S. Roxanne Edwards Klemchuk LLP 8150 North Central Expressway 10th Floor Dallas, TX 75206 UNITED STATES roxanne.edwards@klemchuk.com Phone:214.367.6012		
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Registrations Subject to Cancellation

Registration No	2063429	Registration date	05/20/1997
Registrant	ALBERGHETTI, PAUL G. 710 WILSHIRE BLVD. SANTA MONICA, CA 90401 UNITED STATES		

Goods/Services Subject to Cancellation

Class 016. First Use: 1982/07/21 First Use In Commerce: 1982/07/21
All goods and services in the class are cancelled, namely: paper products, namely, greeting cards, stationery, note pads, invitations and post cards

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	2061517	Registration date	05/13/1997
Registrant	ALBERGHETTI, PAUL G. 710 WILSHIRE BLVD. SANTA MONICA, CA 90401 UNITED STATES		

Goods/Services Subject to Cancellation

Class 016. First Use: 1977/07/00 First Use In Commerce: 1977/07/00
All goods and services in the class are cancelled, namely: paper products, namely, greeting cards, stationery, note pads, invitations and postcards

Grounds for Cancellation

Abandonment	Trademark Act section 14		
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Attachments	Final Petition for Cancellation.pdf(789861 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	/S. Roxanne Edwards/
Name	S. Roxanne Edwards
Date	07/22/2015

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

PaperMoon, LLC)

Petitioner,)

v.)

Paul G. Alberghetti)

Respondent.)

Cancellation No. _____

Reg. Nos. 2,063,429 and 2,061,517

PETITION FOR CANCELLATION

PaperMoon, LLC (“Petitioner”) hereby petitions for cancellation of U.S. Registration No. 2,063,429 for “PAPER MOON” and U.S. Registration No. 2,061,517 for “PAPER MOON GRAPHICS & Design,” registered to Paul G. Alberghetti, and states as follows:

1. Petitioner is a Texas limited liability company having an address at P.O. Box 223, Driftwood, Texas 78619.

2. Petitioner is the owner of U.S. Application Serial No. 86/700,252 filed on July 21, 2015, for “PAPERMOON” for “*computer application software for mobile devices, namely, software for the design, creation, generation, and delivery of greeting cards, postcards, invitations, and announcement cards; Downloadable mobile applications for the design, creation, generation, and delivery of greeting cards, postcards, invitations, and announcement cards*” (“Petitioner’s Mark”).

3. The United State Patent and Trademark Office (“USPTO”) records identify Paul G. Alberghetti, a United States citizen, with an address of 710 Wilshire Blvd., Suite 600, Santa Monica, California 90401 (“Respondent”), as the record owner of U.S. Registration No. 2,063,429 for the mark “PAPER MOON” and U.S. Registration No. 2,061,517 for the mark “PAPER MOON GRAPHICS & Design,” both for “*paper products, namely, greeting cards, stationery, note pads, invitations and post cards*” (the “Registered Marks”).

4. Petitioner has a bona fide intent to use Petitioner’s Mark for goods similar or related to those covered by Petitioner’s Mark, and believes that registration of Petitioner’s Mark will be refused registration in view of the Registered Marks.

5. Petitioner has standing to bring this cancellation action.

6. Petitioner files this Petition for Cancellation as a consolidated complaint since

the Registered Marks are owned by the same party, and Petitioner's claims against each of the Registered Marks involve common questions of law and fact.

7. Petitioner conducted an investigation as to the use of the Registered Marks and found no evidence of use of the Registered Marks on or in connection with "*paper products, namely, greeting cards, stationery, note pads, invitations and post cards*" (the "Registered Goods") and discovered facts indicating that Respondent has never used or has discontinued use of the Registered Marks on or in connection with the Registered Goods.

8. On information and belief, Respondent has not used the Registered Marks on or in connection with the Registered Goods in U.S. commerce during at least the three years preceding the date of this Petition for Cancellation.

9. On information and belief, Respondent has no intent to resume use of the Registered Marks on or in connection with the Registered Goods.

10. On information and belief, Respondent has abandoned the Registered Marks.

11. Petitioner believes it will be damaged and harmed by the continued registration of the Registered Marks, as it will prevent Petitioner from using or obtaining federal registration of Petitioner's Mark, and hereby petitions to cancel same.

WHEREFORE, Petitioner requests this Petition for Cancellation be sustained and that U.S. Registration No. 2,063,429 for the mark "PAPER MOON" and U.S. Registration No. 2,061,517 for the mark "PAPER MOON GRAPHICS & Design" be cancelled.

Dated: July 22, 2015

Respectfully Submitted,



S. Roxanne Edwards
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Attorneys For Petitioner
PaperMoon, LLC

PROOF OF FILING AND SERVICE

The undersigned hereby certifies that a true and correct copy of this PETITION FOR CANCELLATION was filed via ESTTA and served upon Respondent this 22 day of July, 2015, via the United States Postal Service, as first class mail, postage prepaid, addressed to:

Paul G. Alberghetti
710 Wilshire Blvd, Suite 600
Santa Monica, California 90401
UNITED STATES

and

Paper Moon Graphics, Inc.
P.O. BOX 34672
Los Angeles, California 90034
UNITED STATES

By: 
Jamie Saturno