

ESTTA Tracking number: **ESTTA692416**

Filing date: **08/28/2015**

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	rePlanet Holdings, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	800 North Haven Avenue, Suite 120 Ontario, CA 91764 UNITED STATES		

Attorney information	Kevin R. Casey Stradley Ronon Stevens & Young LLP 30 Valley Stream Parkway Malvern, PA 19355 UNITED STATES ipdocketing@stradley.com Phone:610-640-5800		
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Registration Subject to Cancellation

Registration No	4334385	Registration date	05/14/2013
Registrant	The Cell-U-Cycle LLC 707 Whitlock Avenue SW, Suite H-12 Marietta, GA 30064 UNITED STATES		

Goods/Services Subject to Cancellation

Class 040. First Use: 2012/01/01 First Use In Commerce: 2012/01/01 All goods and services in the class are cancelled, namely: Recycling
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86558616	Application Date	03/10/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	IT PAYS TO RECYCLE		

Design Mark	IT PAYS TO RECYCLE
Description of Mark	NONE
Goods/Services	Class 037. First use: First Use: 2002/12/31 First Use In Commerce: 2002/12/31 Bottle and can collection for recycling Class 040. First use: First Use: 2002/12/31 First Use In Commerce: 2002/12/31 Recycling services

Attachments	86558616#TMSN.png(bytes) Petition to Cancel.pdf(678726 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 Overnight Courier on this date.

Signature	/kevin r. casey/
Name	Kevin R. Casey
Date	08/28/2015

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

rePlanet Holdings, Inc.	:	
	:	
Petitioner,	:	
	:	Cancellation Proceeding No. _____
v.	:	
	:	Registration No. 4,334,385
The Cell-U-Cycle LLC	:	
	:	
Registrant.	:	
	:	

PETITION TO CANCEL

Electronic Filing
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Sir or Madam:

Petitioner, rePlanet Holdings, Inc., is a Delaware corporation doing business at 800 North Haven Avenue, Suite 120, Ontario, California 91764, and by and through its attorneys, Stradley Ronon Stevens & Young, LLP, files this petition to cancel Registration No. 4,334,385 for the service mark THE CELL-U-CYCLE IT PAYS TO RECYCLE. & Design. To the best of Petitioner’s knowledge and as reflected in the records of the U.S. Patent and Trademark Office (“PTO”), the name and address of the current owner of Registration No. 4,334,385 is The Cell-U-Cycle LLC, having a record address of 707 Whitlock Avenue SW, Suite H-12, Marietta, Georgia 30064 (“Registrant”).

Petitioner believes that it is or will be damaged by the above-identified registration, and hereby petitions to cancel the same.

As grounds for this cancellation petition, Petitioner states as follows:

1. Petitioner's primary business is providing (a) bottle and can collection services for recycling and (b) recycling services.
2. Petitioner has provided these services since at least 2002.
3. Petitioner filed U.S. Trademark Application No. 86/558,616 on March 10, 2015 with the PTO. Petitioner seeks to register the mark "IT PAYS TO RECYCLE" as a service mark for "bottle and can collection for recycling," in International Class (IC) 37, and "recycling services," in IC 40. See Exhibit A.
4. Petitioner first used the mark "IT PAYS TO RECYCLE" in U.S. commerce in 2002, and has continually used the mark from the first use date through the present time, on and in connection with (a) bottle and can collection services for recycling and (b) recycling services.
5. Registrant has registered on the Principal Register in IC 40 the service mark "THE CELL-U-CYCLE IT PAYS TO RECYCLE. & Design" (Registration No. 4,334,385 granted on May 14, 2013) in connection with recycling. See Exhibit B.
6. Registration No. 4,334,385 issued from use-based Application No. 85/730,421 filed on September 17, 2012, which claimed a first use date of January 1, 2012.
7. Petitioner's Application No. 86/558,616 for registration has been examined by Trademark Examining Attorney Jonathan R. Falk of Law Office 111.
8. In a non-final Office Action mailed on June 3, 2015, the Trademark Examining Attorney refused registration of Petitioner's Application No. 86/558,616 under Trademark Act Section 2(d), 15 U.S. C. 1052(d), because Petitioner's mark, when used in connection with the identified services, is likely to be confused with Registrant's mark. See Exhibit C.
9. Based on Petitioner's prior use of its "IT PAYS TO RECYCLE" mark in U.S. commerce dating back to 2002, Petitioner has priority over Registrant's registration for its "THE CELL-U-CYCLE IT PAYS TO RECYCLE. & Design" mark claiming a first use date of 2012.

10. Petitioner is unaware of Registrant as a provider of recycling services in the United States before 2002.

11. By reason of the PTO's refusal to register the Petitioner's mark based on Registrant's registration, Petitioner has been prevented from registering its service mark and, therefore, is being damaged by the continued existence of Registration No. 4,334,385.

WHEREFORE, Petitioner respectfully requests that the Board cancel Registration No. 4,334,385. The necessary filing fee has been submitted with this Petition.

Respectfully submitted,

Dated: August 28, 2015

Enclosures: Exhibits A-C



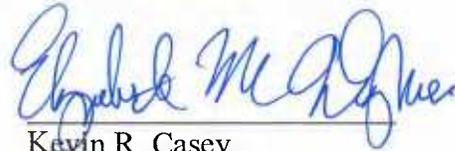
Kevin R. Casey
Elizabeth M. O'Donoghue
Stradley Ronon Stevens & Young, LLP
30 Valley Stream Parkway
Malvern, Pennsylvania 19355
610.640.5800

Attorneys for Petitioner
rePlanet Holdings, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing *Petition To Cancel* was served upon the party identified below, by UPS overnight-courier on August 28, 2015.

Mr. Jamie Villareal
The Cell-U-Cycle LLC
707 Whitlock Ave. SW Suite H-12
Marietta, Georgia 30064-3098



Kevin R. Casey
Elizabeth M. O'Donoghue
Stradley Ronon Stevens & Young, LLP
30 Valley Stream Parkway
Malvern, Pennsylvania 19355
610.640.5800

Attorneys for Petitioner
rePlanet Holdings, Inc.

EXHIBIT A



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IT PAYS TO RECYCLE

Word Mark	IT PAYS TO RECYCLE
Goods and Services	IC 037. US 100 103 106. G & S: Bottle and can collection for recycling. FIRST USE: 20021231. FIRST USE IN COMMERCE: 20021231
	IC 040. US 100 103 106. G & S: Recycling services. FIRST USE: 20021231. FIRST USE IN COMMERCE: 20021231
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86558616
Filing Date	March 10, 2015
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) rePlanet Holdings, Inc. CORPORATION DELAWARE 800 North Haven Avenue, Ste. 120 Ontario CALIFORNIA 91764
Attorney of Record	Kevin R. Casey
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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EXHIBIT B



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THE CELL-U-CYCLE
IT PAYS TO RECYCLE.

Word Mark	THE CELL-U-CYCLE IT PAYS TO RECYCLE.
Goods and Services	IC 040. US 100 103 106. G & S: Recycling. FIRST USE: 20120101. FIRST USE IN COMMERCE: 20120101
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	24.15.01 - Arrows forming a circle or an arc of a circle 26.09.20 - Squares inside one another 26.09.21 - Squares that are completely or partially shaded
Serial Number	85730421
Filing Date	September 17, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 26, 2013
Registration Number	4334385
Registration Date	May 14, 2013
Owner	(REGISTRANT) The Cell-U-Cycle LLC LIMITED LIABILITY COMPANY GEORGIA 707 Whitlock Avenue SW, Suite H-12 Marietta GEORGIA 30064
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a polished box with a recycling arrow swooping down and up in center. Gradient border. The text "THE CELL-U-CYCLE IT PAYS TO RECYCLE." to the right with "THE CELL-U-CYCLE" above and "IT PAYS TO RECYCLE." centered below.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

EXHIBIT C

To: rePlanet Holdings, Inc. (IPDocketing@stradley.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86558616 - IT PAYS TO RECYCLE - 187464-5013
Sent: 6/3/2015 3:52:54 PM
Sent As: ECOM111@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86558616

MARK: IT PAYS TO RECYCLE

86558616

CORRESPONDENT ADDRESS:

KEVIN R. CASEY
Stradley Ronon Stevens & Young Llp
30 Valley Stream Pkwy
Malvern, PA 19355-1462

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LETTER:**

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APPLICANT: rePlanet Holdings, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :

187464-5013

CORRESPONDENT E-MAIL ADDRESS:

IPDocketing@stradley.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 6/3/2015

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES that applicant must address:

- Likelihood of Confusion Refusal

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4334385. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

COMPARISON OF THE MARKS

Applicant's mark is IT PAYS TO RECYCLE displayed in a standard character format. Registrant's mark is THE CELL-U-CYCLE IT PAYS TO RECYCLE. and design. Both marks contain the wording IT PAYS TO RECYCLE and applicant's mark is present within registrant's mark in its entirety. The only difference between the marks is the added design and wording in registrant's mark. The applicant's proposed mark is virtually identical in sound and appearance to the registered mark and creates the same commercial impression.

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535

(TTAB 1988); *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Davia*, 110 USPQ2d 1810, 1813 (TTAB 2014); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *United Global Media Grp., Inc. v. Tseng*, 112 USPQ2d 1039, 1049, (TTAB 2014); *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); TMEP §1207.01(b).

For a composite mark containing both words and a design, the word portion may be more likely to be impressed upon a purchaser's memory and to be used when requesting the goods and/or services. *Joel Gott Wines, LLC v. Rehoboth Von Gott, Inc.*, 107 USPQ2d 1424, 1431 (TTAB 2013) (citing *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1596 (TTAB 1999)); TMEP §1207.01(c)(ii); see *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908, 1911 (Fed. Cir. 2012) (citing *CBS Inc. v. Morrow*, 708 F.2d 1579, 1581-82, 218 USPQ 198, 200 (Fed. Cir. 1983)). Thus, although such marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterra Inc.*, 671 F.3d at 1366, 101 USPQ2d at 1911 (Fed. Cir. 2012) (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)). Therefore, consumers will focus on the wording of registrant's mark.

Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). See *Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *Hunter Indus., Inc. v. Toro Co.*, 110 USPQ2D 1651, 1660-61 (TTAB 2014) (finding PRECISION and PRECISION DISTRIBUTION CONTROL confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part. The additional matter in registrant's mark does not alter the commercial impression of the identical portions.

In sum, given the highly similar appearance and sound of the two marks, it follows that the marks create a highly similar commercial impression and therefore the marks are confusingly similar.

COMPARISON OF THE SERVICES

Applicant's services are recycling services, specifically: "Bottle and can collection for recycling," in class 37, and "recycling services," in class 40.

Registrant's services are: "recycling."

As the case law and attached evidence shows, applicant's and registrant's services are commercially related.

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i).

The respective goods and/or services need only be “related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Applicant and registrant both offer recycling services and the attached Internet evidence consists of screenshots from Sun Services, Mission Recycling, and Momentum Recycling. This evidence establishes that the same entity commonly provides recycling services and recycling collection services and markets the services under the same mark. Therefore, applicant’s and registrant’s goods and/or services are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Evidence obtained from the Internet may be used to support a determination under Trademark Act Section 2(d) that goods and/or services are related. *See, e.g., In re G.B.I. Tile & Stone, Inc.*, 92 USPQ2d 1366, 1371 (TTAB 2009); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 1668 (TTAB 2007).

In total, the two marks create the same commercial impression and the evidence shows that the services are commercially related and likely to be encountered together in the marketplace by consumers. Therefore, consumers are likely to be confused and mistakenly believe that the services originate from a common source. Therefore, there is a likelihood of confusion and registration must be refused under Section 2(d) of the Lanham Act.

RESPONSE GUIDELINES

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant’s rights. *See* TMEP §§705.02, 709.06.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail

throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

/Jonathan R. Falk/
Trademark Examining Attorney
Law Office 111
(571)272-5301
jonathan.falk@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Print: May 29, 2015

85730421

DESIGN MARK

Serial Number

85730421

Status

REGISTERED

Word Mark

THE CELL-U-CYCLE IT PAYS TO RECYCLE.

Standard Character Mark

No

Registration Number

4334385

Date Registered

2013/05/14

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

The Cell-U-Cycle LLC LIMITED LIABILITY COMPANY GEORGIA 707 Whitlock Avenue SW, Suite H-12 Marietta GEORGIA 30064

Goods/Services

Class Status -- ACTIVE. IC 040. US 100 103 106. G & S: Recycling. First Use: 2012/01/01. First Use In Commerce: 2012/01/01.

Description of Mark

The mark consists of a polished box with a recycling arrow swooping down and up in center. Gradient border. The text "THE CELL-U-CYCLE IT PAYS TO RECYCLE." to the right with "THE CELL-U-CYCLE" above and "IT PAYS TO RECYCLE." centered below.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2012/09/17

Examining Attorney

SCHRODY, ALLISON



THE CELL-U-CYCLE
IT PAYS TO RECYCLE.



Our service is second to none in the industry, with most requests fulfilled the same day. All are guaranteed to be completed no later than the next business day.

Hauling & Roll-off



Hauling and roll-off services with containers to handle any size project. LEED recycling containers. Tri-axle trucks for increased hauling capacity, and more!

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Demolition & Excavation



Commercial and residential demolition, including total building tear-downs. Site prep, land clearing, storm water management, and more!

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Recycling



Opened in October of 2013, our recycling facility has become an outlet for C&D recycling in the Washington, D.C. and Baltimore metro areas.

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OUR SERVICE AREAS

Maryland: Montgomery County, Prince Georges County, Charles County, Howard County, Anne Arundel County, Carroll County, Frederick County, Washington County, Baltimore County and Baltimore City
Washington, D.C.

Virginia: Arlington County, City of Alexandria, Fairfax County, Loudoun County, Prince William County

Pennsylvania: Franklin County

West Virginia: Jefferson County (Charles Town)



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STRATEGICALLY LOCATED

Based in Beltsville, MD, we serve the entire Baltimore-Washington corridor, including much of Maryland, Washington, DC, and Northern VA.



COMMITTED TO OUR ENVIRONMENT

Our state-of-the-art sorting and recycling facility will accept construction waste and provide builders with LEED credits.



(301) 937-9000 info@sunsoff.com

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MISSION RECYCLING

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CURBSIDE RECYCLING PROGRAMS

Mission Recycling's residential curbside recycling programs help control the increasing volume of waste dumped into landfills and also released into the environment. It encourages customers to reduce, reuse and recycle.

How It Works...

Each home receives three new carts, to be placed out at the curb on collection day. Customers deposit their *trash* in the **gray cart**, *recyclables* in the **blue cart** and *green waste* in the **green cart**. All carts are picked up EVERY WEEK.



On collection day the carts are placed at the curbside with the cart handles toward the home, wheels against the curbside, lids tightly closed and at least three feet away from any obstruction such as a fence, car or mailbox.

Allow two feet between each cart lined up side by side. The carts must be at the curbside before 6 a.m. on your collection day.

Each cart is serviced separately, at different times of the day. Please be sure that your carts have been emptied before removing them from the curb.

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MISSION RECYCLING



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PROCESSING PLANT . . .

Each year **Mission Recycling** processes over **450,000 tons** of source separated and single stream curbside recyclables from over 100 municipal curbside recycling programs. We design and build our processing plant and equipment to meet the needs of the communities and customers we serve.

Our recycling facilities encompass both **automated and traditional sorting methods** which enable us to effectively process and classify a wide range of recyclable material.





Paper, cardboard, newsprint, ferrous and non-ferrous metals, plastics, glass, aluminum and other miscellaneous materials that may be present in the residential and commercial waste stream are identified, sorted and placed into containers or bailed for shipment.

By **diverting materials** from landfills we accomplish several important goals. First, the *reduction in solid waste* diminishes the demand for ever decreasing landfill space resulting in a positive environmental impact nationwide.

Second, we meet **California's mandated waste diversion criteria (AB 939)**, which requires every community to divert at least 50% of their waste from landfills.

Third, by recycling material we **conserve** our planets depleting natural resources. Finally, we establish and maintain a **cleaner more beautiful environment** for future generations to enjoy.



Mission Recycling is a company with more than a financial interest in recycling; we truly care about our environment and the communities we serve.



MOMENTUM RECYCLING

801-355-0334
CALL FOR A FREE WASTE AUDIT



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FOR THE WORKPLACE



Starting or expanding recycling in your business? Momentum's premier services can help!

- Free Waste Stream Analysis
- Free Recycling Systems Design
- One-Stop-Shop Collections
- Superior Customer Service
- Free Staff Training
- Transparent Pricing, No Contracts

[Learn More](#)



FOR CONDOS & APARTMENTS



Recycling in multi-family buildings can be tough. Let Momentum Recycling handle it for you!

- Creative Solutions for Inside your Building
- Flexible Service
- Lightweight Containers
- Free Signage & Education
- Tight Garages & Alleys? No Problem!

[Learn More](#)



FOR HOME



Glass recycling is now available for Salt Lake area residents, thanks to our state-of-the-art glass recycling plant!

- Curbside Glass-Only Collection Available From Salt Lake City Corp.
- Glass Drop-Off Locations From Logan to Springville
- Free Advice for Municipalities

[Learn More](#)



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GLASS RECYCLING PLANT



WHY RECYCLE GLASS?

Help our local economy, keep waste costs low, and conserve natural resources.

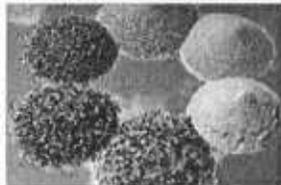
[Learn More](#)



GLASS RECYCLING PROCESS

Curious about how your glass is recycled after it arrives at Momentum's state-of-the-art glass recycling plant?

[Learn More](#)



PRODUCTS MADE FROM RECYCLED GLASS

Recycled glass is used in a number of ways. Some of them might surprise you!

[Learn More](#)

To: rePlanet Holdings, Inc. (IPDocketing@stradley.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86558616 - IT PAYS TO RECYCLE - 187464-5013
Sent: 6/3/2015 3:52:56 PM
Sent As: ECOM111@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON 6/3/2015 FOR U.S. APPLICATION SERIAL NO. 86558616**

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 6/3/2015 (or sooner if specified in the Office action). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

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