

ESTTA Tracking number: **ESTTA696284**

Filing date: **09/16/2015**

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	ITV Rights Limited		
Entity	private limited company	Citizenship	United Kingdom
Address	The London Television Centre Upper Ground London, SE1 9LT UNITED KINGDOM		

Attorney information	Connie L. Ellerbach Fenwick & West LLP 801 California Street Mountain View, CA 94041 UNITED STATES trademarks@fenwick.com Phone:(650) 988-8500
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Registrations Subject to Cancellation

Registration No	4181171	Registration date	07/31/2012
Registrant	Rothlein, Andrew 308 Roaring Brook Road Chappaqua, NY 10514 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2003/03/30 First Use In Commerce: 2003/03/30 All goods and services in the class are cancelled, namely: Providing entertainment and education-alservices via the Internet or other communications networks, namely, providing non-downloadable virtual presentations offictional and non-fictional stories, jokes, riddles, art, plays, photographs, and animated images; providing information in the fields of current events, music, and sports; entertainment services, namely, providing non-downloadable information in the field of music, and commentary and articles about music; and providing information, news and commentary in the field of current events, historical events and people

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	2879305	Registration date	08/31/2004
Registrant	Rothlein, Andrew 308 Roaring Brook Road Chappaqua, NY 105141712 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2003/03/30 First Use In Commerce: 2003/03/30 All goods and services in the class are cancelled, namely: Providing information online in the field of

current events and entertainment online news reporting presentations News analysis and features distribution via the Internet News agencies, namely, gathering and dissemination of news via the Internet Providing entertainment services, namely, providing information and links to other websites in the fields of fictional and non-fictional stories, jokes, riddles, art, plays, photographs, and animated images

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation 2879305.pdf(2075856 bytes) Petition for Cancellation 4181171.pdf(2141712 bytes) EXHIBIT A - ITV (and Black Box design) application - SN 85785725.pdf(47191 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	/cle1087/
Name	Connie L. Ellerbach
Date	09/16/2015

2. Petitioner is the applicant of U.S. Trademark Application Number 85785725 for the mark . Petitioner's mark is currently applied for in International Classes 9, 16, 38, and 41. Said trademark was filed on the Principal Register on November 21, 2012. **A true and correct copy of the Application for the  mark is attached hereto as Exhibit A.** Since at least as early as November 21, 2012, Petitioner has had a *bona fide* intent to use its  trademark in commerce in connection with the applied-for goods and services, including entertainment and broadcasting services in various fields of interest.

3. On information and belief, neither Registrant, nor any successor in interest, has ever used the ITV mark in commerce in the United States. In the alternative, if Registrant, or any successor in interest, has ever made use of the ITV mark in commerce in the United States, on information and belief, Registrant, or any successor in interest, has abandoned any and all rights in the ITV mark, and specifically in Registration Number 2879305, through more than three years of non-use of the mark in connection with the services listed in the registration, namely, "Providing information online in the field of current events and entertainment online news reporting presentations[;] News analysis and features distribution via the Internet[;] News agencies, namely, gathering and dissemination of news via the Internet[;] Providing entertainment services, namely, providing information and links to other websites in the fields of fictional and non-fictional stories, jokes, riddles, art, plays, photographs, and animated images," and has no *bona fide* intent to resume use. As such, U.S. Registration No. 2879305 must be cancelled.

4. If U.S. Registration No. 2879305 is not cancelled, Registrant would continue to have at least a *prima facie* exclusive right to use a mark in connection with the services for which it has abandoned the mark. Such continued registration would be a source of damage and injury to Petitioner and the purchasing public.

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained, that Registrant's U.S. Registration No. 2879305 be cancelled pursuant to Lanham Act §14, 15 U.S.C. §1064.

This Petition for Cancellation is being submitted along with our authorization to charge \$300.00 to our Deposit Account No. 50-0261 for the filing fee. Please charge any additional fees required to this same account.

Please direct all notices, pleadings and correspondence relating to this matter to:

Connie L. Ellerbach, Esq.

FENWICK & WEST LLP

Silicon Valley Center

801 California Street

Mountain View, California 94041

Telephone: (650) 335-7663 / Facsimile: (650) 938-5200

Email: cellerbach@fenwick.com

Respectfully submitted,

Date: September 16, 2015

/Connie L. Ellerbach/

Connie L. Ellerbach, Esq.
Christine K. Au-Yeung, Esq.
Attorneys for Petitioner
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
650-335-7663

PROOF OF SERVICE BY MAIL

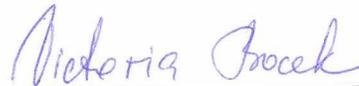
I declare that:

I am employed in the County of Santa Clara, California.

I am over the age of eighteen years and not a party to the within cause; my business address is Fenwick & West LLP, Silicon Valley Center, 801 California Street, Mountain View, CA 94041. On September 16, 2015, I served the within PETITION FOR CANCELLATION on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mountain View, California, addressed as follows:

Rothlein, Andrew
308 Roaring Brook Road
Chappaqua, New York 10514-1712
United States

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 16th day of September 2015.



Victoria Bocek

2. Petitioner is the applicant of U.S. Trademark Application Number 85785725 for the mark . Petitioner's mark is currently applied for in International Classes 9, 16, 38, and 41. Said trademark was filed on the Principal Register on November 21, 2012. **A true and correct copy of the Application for the  mark is attached hereto as Exhibit A.** Since at least as early as November 21, 2012, Petitioner has had a *bona fide* intent to use its  trademark in commerce in connection with the applied-for goods and services, including entertainment and broadcasting services in various fields of interest.

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Telephone: (650) 335-7663 / Facsimile: (650) 938-5200

Email: cellerbach@fenwick.com

Respectfully submitted,

Date: September 16, 2015

/Connie L. Ellerbach/

Connie L. Ellerbach, Esq.
Christine K. Au-Yeung, Esq.
Attorneys for Petitioner
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
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650-335-7663

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Chappaqua, New York 10514-1712
United States

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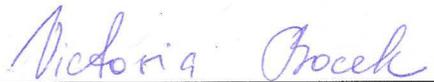

Victoria Bocek

EXHIBIT A

Trademark/Service Mark Application, Principal Register

Serial Number: 85785725

Filing Date: 11/21/2012

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85785725
MARK INFORMATION	
*MARK	\\TICRS\EXPORT16\IMAGEOUT16\857\857\85785725\xml1\ APP0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	ITV
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized letters ITV.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	448 x 274
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	ITV Rights Limited
INTERNAL ADDRESS	The London Television Centre
*STREET	Upper Ground
*CITY	London SE1 9LT
*COUNTRY	United Kingdom
LEGAL ENTITY INFORMATION	
TYPE	private limited company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
GOODS AND/OR SERVICES AND BASIS INFORMATION	

INTERNATIONAL CLASS	009
*IDENTIFICATION	Cinematographic and photographic films; sound and video recordings; audio tapes and video tapes; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers; recording discs; sound, video and data recording and reproducing apparatus; records, discs, tapes, cassettes, cartridges, cards and other carriers, all bearing or for use in bearing sound recordings, video recordings, data, images, graphics, text, programs or information; memory carriers; interactive compact discs; CD-ROMs and DVDs; smart phone apparatus and software relating thereto; WAP phone apparatus and software relating thereto; parts and fittings for all the aforesaid goods; computer games; computer software
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	11/20/2012
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
INTERNATIONAL CLASS	016
*IDENTIFICATION	Books; printed matter; periodicals; monographs; photographs; booklets; calendars; diaries; magazines; posters; stationery; office requisites; pens; pencils; erasers; greetings cards; artists' materials; paint brushes; postcards; stickers; instructional and teaching material (except apparatus)
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	11/20/2012

INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
INTERNATIONAL CLASS	038
*IDENTIFICATION	Broadcasting and telecommunication services; broadcasting and transmission of television, radio, cable, satellite and Internet programmes; telecommunication of information (including web pages), computer programs and any other data; electronic mail services; provision of telecommunications access and links to computer databases and the Internet; transmission of messages, sound and images; transmission of information by communications satellite, microwave or electronic, digital or analogue means; communications services for provision and display of information from a computer stored databank; communications services for the electronic, digital and analogue display of information, messages, images and data; information and advisory services relating to any of the aforesaid services
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	11/20/2012
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
INTERNATIONAL CLASS	041
	Entertainment; entertainment services; entertainment services in the form of television programmes, radio, cable, satellite and Internet programmes; production and presentation of television programmes, shows, films, videos and DVDs; production and presentation of television, radio, cable, satellite and Internet programmes;

*IDENTIFICATION	production, presentation, distribution, syndication, networking and rental of television, radio, cable, satellite and Internet programmes and of films, sound recordings, video recordings and DVDs; educational services relating to entertainment; information relating to entertainment or education, provided on-line from a computer database or the Internet or by communications satellite, microwave or other electronic, digital or analogue media; publishing; organisation, production and presentation of events for educational, cultural or entertainment purposes; organisation, production and presentation of competitions, contests, games, game shows, quizzes, fun days, exhibitions, shows, roadshows, staged events, raves, theatrical performances, concerts, live performances and participation events; information and advisory services relating to any of the aforesaid services
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	11/20/2012
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
ATTORNEY INFORMATION	
NAME	Jonathan A. Hyman
ATTORNEY DOCKET NUMBER	OLSW14.001TUS
FIRM NAME	Knobbe, Martens, Olson & Bear, LLP
STREET	2040 Main Street, Fourteenth Floor
CITY	Irvine
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	92614

PHONE	310-551-3450
FAX	949-760-9502
EMAIL ADDRESS	efiling@knobbe.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	<p>Darrell L. Olson, William B. Bunker, Arthur S. Rose, Ned A. Israelsen, Drew S. Hamilton, John B. Sganga, Jr., Edward A. Schlatter, Gerard von Hoffmann, Joseph R. Re, Catherine J. Holland, John M. Carson, Karen Vogel Weil, Andrew H. Simpson, Jeffrey L. Van Hoosear, Daniel E. Altman, Lynda J. Zadra-Symes, William H. Shreve, Stephen C. Jensen, Steven J. Nataupsky, Paul A. Stewart, Joseph F. Jennings, Craig S. Summers, Brenton R. Babcock, Michael H. Trenholm, Diane M. Reed, Ronald J. Schoenbaum, John R. King, Frederick S. Berretta, Adeel S. Akhtar, Thomas R. Arno, David N. Weiss, Dan Hart, Douglas G. Muehlhauser, Lori Lee Yamato, Michael K. Friedland, Stacey R. Halpern, Mark M. Abumeri, Jon W. Gurka, John W. Holcomb, Joseph M. Reisman, Michael L. Fuller, Eric M. Nelson, Mark R. Benedict, Paul N. Conover, Robert J. Roby, Sabing H. Lee, Karoline A. Delaney, Joseph S. Cianfrani, William R. Zimmerman, Paul C. Steinhardt, Eric S. Furman, Susan M. Natland, Rose M. Thiessen, Michael A. Guiliana, Rabinder N. Narula, Bruce S. Itchkawitz, John M. Grover, Mallary K. de Merlier, Irfan A. Lateef, Amy Christensen Chun, Mark J. Gallagher, David G. Jankowski, Brian C. Horne, Payson LeMeilleur, Sheila N. Swaroop, Benjamin A. Katzenellenbogen, Andrew N. Merickel, Thomas P. Krzeminski, Glen L. Nuttall, Michael S. Okamoto, Linda H. Liu, James F. Herkenhoff, Andrew M. Douglas, Marc T. Morley, Salima A. Merani, Jonathan A. Hyman, Curtiss C. Dosier, Joseph J. Mallon, Sean M. Murray, Christy G. Lea, J. David Evered, Perry D. Oldham, Jerry L. Hefner, Russell M. Jeide, Abraham W. Chuang, Zi Y. Wong, Matthew S. Bellinger, Mincheol Kim, Gregory A. Hermanson, Lauren Keller Katzenellenbogen, Ted M. Cannon, Carol Pitzel Cruz, Josué A. Villalta, Andrew I.</p>

Kimmel, Brenden Gingrich, Boris Zelkind, Maria Culic Anderson, Melanie J. Seelig, Mauricio A. Uribe, Steven A. Maddox, Curtis R. Huffmire, Christopher L. Ross, Eli A. Loots, Ryan E. Melnick, Yanna S. Bouris, Philip M. Nelson, Jay R. Deshmukh, Marko R. Zoretic, Kathleen R. Mekjian, Kerry S. Taylor, Phillip A. Bennett, Derek C. Dailey, Christopher T. Sweeney, Jarom D. Kesler, Steven P. Ruden, Colin B. Heideman, Theodore G. Papagiannis, Nicholas M. Zovko, Adam J. Gilbert, Kimberly J. Miller, Bryan W. Wahl, Thomas Y. Yee, Michelle E. Armond, Agnes Juang, Scott Smith, Tirzah Abé Lowe, Jason J. Jardine, Jared C. Bunker, Lance D. Smemoe, Timothy J. Goodson, Joshua J. Stowell, Reza Mirzaie, Scott Raevsky, Jonathan E. Bachand, Deborah S. Shepherd, Kenny Q. Wang, Ali S. Razai, Terry K. Tullis, Derek R. Bayles, Kregg A. Koch, Cheryl T. Burgess, Gregory B. Phillips, Brian C. Claassen, Brent M. Dougal, Alejandro D. Muñoz, Mark Lezama, Mark D. Marsden, Nora A. Marachelian, Bridget O'L. Smith, Sean Ambrosius, Jeremy J. Edwards, William O. Adams, Shannon K. Carter, Michael R. Christensen, Benjamin J. Everton, Jason A. Gersting, Ian W. Gillies, Alan G. Laquer, Jing Liu, Todd D. Reynolds, Vlad Teplitskiy, Erik J. Birkeneder, Jonathan I. Detrixhe, Jeffery L. Hallstrom, Andrew W. Lloyd, Don C. Pua, Jason A. Champion, Joan Y. Chan, William Noon, Lorenz Siddiqi, Maria V. Stout, Stephen W. Larson, Mark D. Kachner, James W. Chang, Kenneth R. Nielsen, Lincoln S. Essig, Eric L. Fong, Madhavi S. Patankar, David R. Trossen, Laura L. Wine, Laura Blau Michel

DOMESTIC REPRESENTATIVE INFORMATION

NAME	Jonathan A. Hyman
FIRM NAME	Knobbe, Martens, Olson & Bear, LLP
STREET	2040 Main Street, Fourteenth Floor
CITY	Irvine
STATE	California
COUNTRY	United States

ZIP CODE	92614
PHONE	310-551-3450
FAX	949-760-9502
EMAIL ADDRESS	efiling@knobbe.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Jonathan A. Hyman
FIRM NAME	Knobbe, Martens, Olson & Bear, LLP
STREET	2040 Main Street, Fourteenth Floor
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PHONE	310-551-3450
FAX	949-760-9502
EMAIL ADDRESS	efiling@knobbe.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	4
FEE PER CLASS	325
*TOTAL FEE DUE	1300
*TOTAL FEE PAID	1300
SIGNATURE INFORMATION	
SIGNATURE	NOT PROVIDED
SIGNATORY'S NAME	NOT PROVIDED
SIGNATORY'S POSITION	NOT PROVIDED
DATE SIGNED	NOT PROVIDED

Trademark/Service Mark Application, Principal Register

Serial Number: 85785725

Filing Date: 11/21/2012

To the Commissioner for Trademarks:

MARK: ITV (stylized and/or with design, see [mark](#))

The literal element of the mark consists of ITV.

The mark consists of the stylized letters ITV.

The applicant, ITV Rights Limited, a private limited company legally organized under the laws of United Kingdom, having an address of

The London Television Centre,
Upper Ground
London SE1 9LT
United Kingdom

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Cinematographic and photographic films; sound and video recordings; audio tapes and video tapes; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers; recording discs; sound, video and data recording and reproducing apparatus; records, discs, tapes, cassettes, cartridges, cards and other carriers, all bearing or for use in bearing sound recordings, video recordings, data, images, graphics, text, programs or information; memory carriers; interactive compact discs; CD-ROMs and DVDs; smart phone apparatus and software relating thereto; WAP phone apparatus and software relating thereto; parts and fittings for all the aforesaid goods; computer games; computer software

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on United Kingdom application number _____, filed 11/20/2012. 15 U.S.C. Section 1126(d), as amended.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.

International Class 016: Books; printed matter; periodicals; monographs; photographs; booklets; calendars; diaries; magazines; posters; stationery; office requisites; pens; pencils; erasers; greetings cards;

artists' materials; paint brushes; postcards; stickers; instructional and teaching material (except apparatus)
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International Class 038: Broadcasting and telecommunication services; broadcasting and transmission of television, radio, cable, satellite and Internet programmes; telecommunication of information (including web pages), computer programs and any other data; electronic mail services; provision of telecommunications access and links to computer databases and the Internet; transmission of messages, sound and images; transmission of information by communications satellite, microwave or electronic, digital or analogue means; communications services for provision and display of information from a computer stored databank; communications services for the electronic, digital and analogue display of information, messages, images and data; information and advisory services relating to any of the aforesaid services

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Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on United Kingdom application number _____, filed 11/20/2012. 15 U.S.C. Section 1126(d), as amended. INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.

The applicant's current Attorney Information:

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United States

The attorney docket/reference number is OLSW14.001TUS.

The applicant hereby appoints Jonathan A. Hyman of Knobbe, Martens, Olson & Bear, LLP
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as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

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A fee payment in the amount of \$1300 has been submitted with the application, representing payment for 4 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: Not Provided Date: Not Provided
Signatory's Name: Not Provided
Signatory's Position: Not Provided
RAM Sale Number: 7540
RAM Accounting Date: 11/23/2012

Serial Number: 85785725
Internet Transmission Date: Wed Nov 21 18:09:17 EST 2012
TEAS Stamp: USPTO/BAS-173.227.19.25-2012112118091763
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