

ESTTA Tracking number: **ESTTA702341**

Filing date: **10/14/2015**

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	Ms. Cari Shein		
Entity	Individual	Citizenship	UNITED STATES
Address	1207 Erskine Manor Hill South Bend, IN 46614 UNITED STATES		

Attorney information	James Michael Faier Faier & Faier P.C. 566 W. Adams St. Suite 600 Chicago, IL 60661 UNITED STATES jmfaier@faier.com Phone:312-382-9400		
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Registration Subject to Cancellation

Registration No	3205981	Registration date	02/06/2007
Registrant	RALLY Education 22 Railroad Avenue Glen Head, NY 11545 UNITED STATES		

Goods/Services Subject to Cancellation

Class 016. First Use: 2004/09/01 First Use In Commerce: 2004/09/01
All goods and services in the class are cancelled, namely: Educational books featuring supplemental math teaching materials for use in grades 2 through 12

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	20151014173502.pdf(74592 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	/jmfaier/
Name	James Michael Faier
Date	10/14/2015

**In the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board**

In re USPTO RN 3,205,981 for MATH TRACKER

Cari Shein, an individual,)	Cancellation No. _____
)	
Petitioner,)	
)	
v.)	
)	
Rally Education, a Delaware corporation,)	
)	
Respondent.)	
)	

Petition to Cancel

1. Petitioner, Ms. Cari Shein, is an individual, with a principal address of 1207 Erskine Manor Hill, South Bend, IN 46614.

2. The Respondent, Rally Education, a Delaware corporation, has a principal place of business of 22 Railroad Avenue, Glen Head, NY 111545.

Standing

3. Petitioner believes she is damaged by registration number 3,205,981 for the mark MATH TRACKER and therefore has standing to file a complaint. Petitioner owns USPTO application number 85/741,291 for the mark MATH TRACKER and the Examining Attorney maintains that, if registered, MATH TRACKER would create a likelihood of confusion vis a vis MATH TRACKS. Petitioner has a direct and personal stake in the outcome of this proceeding since her

Grounds

4. As grounds for this Petition to Cancel, Petitioner asserts that Respondent's mark has been abandoned due to nonuse with intent not to resume use.

Prayer for Relief

5. Petitioner prays that USPTO Trademark Registration Number 3,205,981 for the servicemark MATH TRACKER be cancelled and any other relief that the Trademark Trial and Appeal Board should find appropriate.

Submitted this 14th day of October 2015.

Signed,



James Michael Faier, M.P.P, M.B.A., J.D.
Registered Patent Attorney (USPTO #56731)
Faier & Faier P.C.
566 W. Adams St., Suite 600
Chicago, IL 60661
Telephone: (312) 382-9400
Facsimile: (312) 382-9200
Email: jmfaier@faier.com

Attorney for Petitioner

Certificate of ESTTA submission

I, James Michael Faier, an attorney, filed this Petition to Cancel with the TTAB via the ESTTA filing system on 14 October 2015.

/James Michael Faier/

James Michael Faier

Date: 14 October 2015.

Certificate of Service

I, James Michael Faier, state that I served this Petition to Cancel on Registrant via U.S. mails, first class, postage paid, to the following address:

RALLY EDUCATION
22 Railroad Avenue
GLEN HEAD, NEW YORK 11545
UNITED STATES

on 14 October 2015.

Signed,

/James Michael Faier/

name: James Michael Faier

date of signature: 14 October 2015.