

ESTTA Tracking number: **ESTTA706818**

Filing date: **11/05/2015**

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	Sk8te4u Sports Production GmbH		
Entity	limited liability company	Citizenship	Germany
Address	Max- Born-Straße 2 53773 Hennef, GERMANY		

Attorney information	Joshua S. Wolkoff Cowan, DeBaets, Abrahams & Sheppard LLP 34th Floor New York, NY 10010 UNITED STATES tm@cdas.com Phone:212-974-7474		
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Registration Subject to Cancellation

Registration No	3873325	Registration date	11/09/2010
Registrant	Min, Hao Suite 905 Building 2 Nanjing, CHINA		

Goods/Services Subject to Cancellation

Class 009. First Use: 2005/12/30 First Use In Commerce: 2005/12/30 Cancelled goods and services in the class: Protective headgear for boxing

Grounds for Cancellation

Abandonment	Trademark Act section 14
Other	Non-use

Attachments	2015-11-05 Petition for Partial Cancellation.pdf(54134 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/Joshua S. Wolkoff/
Name	Joshua S. Wolkoff

Date	11/05/2015
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration:

Registration No.: 3,873,325

Registrant: Min, Hao

Issued: November 9, 2010

Mark: SECURAM

SK8TE4U SPORTS PRODUCTION
GMBH,

Petitioner,

Cancellation No.:

v.

HAO MIN,

Respondent.

PETITION FOR PARTIAL CANCELLATION

Petitioner, Sk8te4u Sports Production GmbH (“Petitioner”), a limited liability company organized and existing under the laws of Germany, having a principal place of business at Max-Born-Straße 2, 53773 Hennef, Federal Republic of Germany, believes it has been and will continue to be damaged by the continued registration of U.S. Registration No. 3,873,325 for, among other things, “[p]rotective headgear for boxing,” issued on November 9, 2010 in the name of Hao Min (“Respondent”) for the mark SECURAM (“Respondent’s Registration”) and hereby petitions to partially cancel same. The grounds for partial cancellation are as follows:

1. Petitioner is one of the leading European distributors of action sports equipment, specializing in skateboarding, BMX biking, watersports, mountaineering, winter sports, and functional protective equipment for extreme sports enthusiasts.

2. On March 6, 2015, Petitioner filed a request for an extension of protection of an international registration to the United States under Section 66(a) of the Lanham Act, 15 U.S.C. §



1141f(a), seeking registration of the mark RAM and design () (Serial No. 79/164,442) (“Petitioner’s Mark”) for “head protection” in International Class 09 and “skateboards” in International Class 28 (“Petitioner’s Application”).

3. During the course of prosecution of Petitioner’s Application, the Examining Attorney cited Respondent’s Registration as a basis to refuse registration of Petitioner’s Mark under Section 2(d) of the Trademark Act.

4. On March 31, 2010, Respondent filed Application Serial No. 85/003,738 for registration of the mark SECURAM (“Respondent’s Mark”) on the Principal Register under Section 1(a), 15 U.S.C. § 1051(a) for, among other things, “[p]rotective headgear for boxing” in Class 09.

5. Shortly thereafter, on November 9, 2010, Respondent’s Application Serial No. 85/003,738 for Respondent’s Mark matured into Registration No. 3,873,325, covering “Biometric fingerprint door lock; Electric locks; Electric locks for vehicles; Electronic components for juke boxes; Electronic lock assemblies; Electronic locks; Electronic safes; Electronically operated high security lock cylinders; Laboratory instruments, namely, radiation devices in the nature of ultraviolet, visible, or infra-red light boxes for the analysis of bodily fluids; Lock-out valves and switches for use in carbon dioxide fire suppression systems; Programmable locking systems, consisting of electronic cylindrical locksets and keypads; Protective headgear for boxing; Slide boxes.”

6. Upon information and belief, Respondent has never used, or has ceased use of, Respondent’s Mark in connection with “[p]rotective headgear for boxing” in interstate commerce.

COUNT I – ABANDONMENT/NON-USE

7. Petitioner incorporates by reference the allegations in each of the preceding paragraphs as if fully set forth herein.

8. In order to be eligible for registration, a mark must be “used in commerce” in accordance with Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a). Under Section 45 of the Lanham Act, 15 U.S.C. § 1127, “use in commerce” occurs when a mark “is used or displayed in the sale or advertising of services and the services are rendered in commerce, or the services are rendered in more than one State or in the United States and a foreign country and the person rendering the services is engaged in commerce in connection with the services.”

9. Upon information and belief, Respondent has never sold or is not currently selling “[p]rotective headgear for boxing” under Respondent’s Mark in commerce and has not done so for at least three years preceding the date of this Petition.

10. Upon information and belief, Respondent has no intention of using or resuming use of the Respondent’s mark in connection with “[p]rotective headgear for boxing.”

11. As a result of its failure to use Respondent’s Mark in connection with “[p]rotective headgear for boxing” and its intent not to resume such use, Respondent has partially abandoned Respondent’s Mark with respect to such goods.

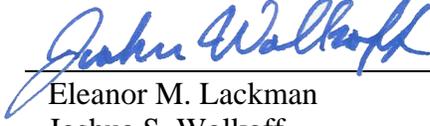
12. Respondent’s Registration of Respondent’s Mark for “[p]rotective headgear for boxing” is injurious to Petitioner, in that said registration covers a trademark that has been found by a USPTO examining attorney to be similar to the trademark under Petitioner’s Application, and thus may constitute a bar to registration of Petitioner’s Application.

WHEREFORE, Petitioner requests that its petition for partial cancellation of Registration No. 3,873,325 for “[p]rotective headgear for boxing” be sustained and that the Trademark Trial

and Appeal Board grant any and all further relief to Petitioner that the board finds necessary and just in the circumstances.

Dated: New York, New York
November 5, 2015

COWAN, DeBAETS, ABRAHAMS &
SHEPPARD LLP

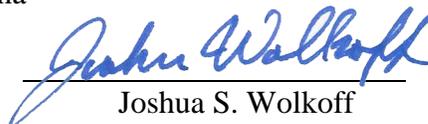
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Sk8te4u Sports Production GmbH

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 2015, I caused to be served a true and correct copy of the foregoing Petition for Cancellation via Express Mail to Respondent at Respondent's address of record, as follows:

Hao Min
Suite 905 Building 2
9# Mouchouhu Dong Lu
Nanjing, China


Joshua S. Wolkoff