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Filing date: **11/19/2015**

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	Arduino, LLC		
Entity	Limited Liability Company	Citizenship	Massachusetts
Address	72 Oak Street, No. 4 Somerville, MA 02143 UNITED STATES		

Attorney information	Martin Schwimmer LEASON ELLIS LLP One Barker Avenue, Fifth Floor White Plains, NY 10601 UNITED STATES tmdocket@leasonellis.com, morris@leasonellis.com, schwimmer@leasonellis.com, kdlee@leasonellis.com Phone:914-821-3094
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Registration Subject to Cancellation

Registration No	4664395	Registration date	12/30/2014
Registrant	Mononomoto Inc. 200 E. 32nd Street New York, NY 10016 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2014/06/02 First Use In Commerce: 2014/06/02 All goods and services in the class are cancelled, namely: Home audio equipment, namely, speakers, amplifiers and wireless signal transmitters
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Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	Petition to Cancel - MATERIA (01407861).pdf(31415 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	/Martin Schwimmer/
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Name	Martin Schwimmer
Date	11/19/2015

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

In the Matter of Registration No. 4,664,395
Registered: December 30, 2014

	X	
Arduino, LLC	:	
	:	
	:	
v.	:	Cancellation No.
	:	
Mononomoto Inc.	:	
	:	
	::	
	X	

PETITION FOR CANCELLATION

Petitioner, Arduino, LLC (“Petitioner”), a Massachusetts limited liability company having an address at 72 Oak Street, No. 4, Somerville, Massachusetts 02143, believes that it would be damaged by continued existence of Registration No. 4,664,395 for the trademark “MATERIA” issued to Mononomoto Inc. (“Respondent”), a New York corporation having an address of 200 East 32nd Street, Suite 4D, New York, New York 10016, for “*home audio equipment, namely, speakers, amplifiers and wireless signal transmitters*” in International Class 09, and therefore petitions to cancel same.

As grounds for cancellation, Petitioner, by its attorneys Leason Ellis LLP, alleges as follows:

1. Petitioner is the owner of trademark application Serial Number 86/575,012 for MATERIA, covering “*3D printers*” (the “MATERIA Application”), and has a bona fide intention to use the MATERIA mark in commerce.
2. Respondent Monomoto Inc. is listed as the current owner with the United States Patent and Trademark Office (“USPTO”) of Registration No. 4,6643,95 for the trademark MATERIA for, inter-alia: “*home audio equipment, namely, speakers, amplifiers and wireless signal transmitters*” in International Class 09 (the “’395 Registration”).
3. Petitioner’s MATERIA Application has been refused registration by the USPTO’s Examining Attorney based on an asserted likelihood of confusion with Respondent’s ’395 Registration (namely, the International Class 09 goods), under Section 2(d) of the Trademark Act.
4. Respondent’s ’395 Registration is likely to cause injury to Petitioner and Petitioner’s rights in the MATERIA mark.
5. Upon information and belief, the MATERIA mark that is the subject of the ’395 Registration has never been used by Respondent in United States commerce.

6. Upon information and belief, Respondent made false and material claims when it filed its Statement of Use with the USPTO, alleging it was using its MATERIA mark in United States commerce.

7. By virtue of the false and material claims regarding its Statement of Use of the MATERIA mark in United States commerce in connection with the goods listed in the application and resulting registration, the registration was invalidly obtained and should be cancelled.

8. Upon information and belief, Respondent has no bona-fide intention to use the MATERIA mark in the United States.

9. Upon information and belief, Respondent has abandoned the MATERIA mark, pursuant to Section 45 of the Trademark Act, 15 U.S.C. Sec. 1127.

10. By reason of the foregoing, Petitioner will be damaged by the continued registration of the mark MATERIA to Respondent.

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WHEREFORE, Petitioner respectfully asks the Board to sustain this cancellation action and cancel Registration No. 4,716,395 in International Class 09.

Dated: November 19, 2015

Respectfully submitted,

/Martin Schwimmer/
Martin Schwimmer
Michelle C. Morris

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Attorney for Petitioner

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being filed through the electronic system for the Trademark Trial and Appeal Board in the United States Patent and Trademark Office on November 19, 2015.

The cancellation fee in the amount of \$300.00 for one class is filed herewith. If for any reason this amount is insufficient, it is requested that Petitioner's attorneys' deposit account No. 50-4570 be charged with any deficiency.

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing **PETITION FOR CANCELLATION** was served by First-Class mail, postage prepaid, upon the correspondent of record for Registrant, this 19th day of November, 2015, addressed as follows:

Mononomoto Inc.
200 E. 32nd Street, Suite 4D
New York, NY 10016

/Michelle C. Morris/

Michelle C. Morris