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Filing date: **04/15/2016**

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 | TUTORME.COM, INC. | | |
| Entity | Corporation | Citizenship | California |
| Address | 6322 VIA MARIA LA JOLLA, CA 92037 UNITED STATES | | |

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| Attorney information | John Paul Oleksiuk Cooley LLP 1299 Pennsylvania Ave. NW Suite 700 Washington, DC 20004 UNITED STATES trademarks@cooley.com, jpo@cooley.com Phone:3108836427 |
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Registration Subject to Cancellation

| | | | |
|-----------------|---|-------------------|------------|
| Registration No | 4595353 | Registration date | 09/02/2014 |
| Registrant | Richard Latman 10 N Park Drive Suite 320 Hunt Valley, MD 21030 UNITED STATES | | |

Goods/Services Subject to Cancellation

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| Class 041. First Use: 2013/05/01 First Use In Commerce: 2013/05/01 All goods and services in the class are cancelled, namely: Conducting after school tutoring programs |
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Grounds for Cancellation

| | |
|---|----------------------------|
| Abandonment | Trademark Act section 14 |
| No use of mark in commerce before application was filed | Trademark Act section 1(a) |

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|-------------|--|
| Attachments | petition for cancellation TUTORMENOW 130157291_1.pdf(18887 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 | /John Paul Oleksiuk/ |
| Name | John Paul Oleksiuk |

| | |
|------|------------|
| Date | 04/15/2016 |
|------|------------|

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

In the matter of Registration:

Registration No.: 4,595,353
Registered: September 2, 2014
Registrant: Richard Latman
Mark: TUTORMENOW

| | | |
|--------------------|---|------------------|
| TUTORME.COM, INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Cancellation No. |
| |) | |
| RICHARD LATMAN |) | |
| |) | |
| Registrant. |) | |
| _____ |) | |

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

PETITION FOR CANCELLATION

Tutorme.com, Inc. (hereinafter “Petitioner”) will be damaged by the continued registration of the TUTORMENOW mark that is the subject of U.S. Registration No. 4,595,353 (the “TUTORMENOW Registration”) and has the current owner of record Richard Latman (hereinafter “Registrant”). Petitioner hereby petitions to cancel the TUTORMENOW Registration on the grounds of failure to use mark in commerce prior to the filing of the use-based application for its registration under Trademark Act § 1(a), 15 U.S.C. § 1051(a), and abandonment under Trademark Act § 14, 15 U.S.C. § 1064.

As grounds for this Petition for Cancellation, Petitioner alleges the following:

1. Petitioner is a California corporation, having its principal place of business at 6322 Via Maria La Jolla, California 92037.

2. On information and belief, Registrant is an individual and citizen of the United States having an address of 10 N. Park Drive Suite 320 Hunt Valley, Maryland 21030.

3. Petitioner is an online education platform that connects students with knowledge experts.

4. On July 1, 2015, Petitioner filed an application for the TUTORME (stylized) mark in connection with “Educational services, namely, a service for connecting tutors and students; Educational services, namely, providing online courses of instruction at the primary and secondary level and distribution of course material in connection therewith” in International Class 41, which was assigned U.S. Trademark Application Serial No. 86681003 (“Petitioner’s Application”).

5. On information and belief, Registrant is the owner of U.S. Trademark Registration No. 4,595,353 for the mark TUTORMENOW in connection with “conducting after school tutoring programs” in International Class 41.

6. The TUTORMENOW Registration has not become incontestable.

7. The U.S. Patent and Trademark Office refused to register Petitioner’s Application in an Office Action dated October 16, 2015 on the ground of a likelihood of confusion with the mark contained in the TUTORMENOW Registration.

8. On information and belief, future applications filed by Petitioner for the TUTORME (Stylized) mark or related marks will likely also be refused registration because of an alleged likelihood of confusion with that mark contained in the TUTORMENOW

Registration.

9. Accordingly, Petitioner has been harmed and believes it will continue to be harmed by the TUTORMENOW Registration.

10. On information and belief, Registrant does not now sell or offer for sale in commerce the services identified in U.S. Trademark Registration No. 4,595,353. Petitioner's information and belief is based on its investigation regarding Registrant's use of the TUTORMENOW mark, which revealed no evidence of such use.

11. On information and belief, Registrant never launched a TUTORMENOW business, and Registrant is not conducting after school tutoring programs in commerce.

12. Petitioner's belief is based in part on the fact that Registrant submitted a specimen of use in connection with obtaining U.S. Trademark Registration No. 4,595,353 on May 31, 2013 which appeared to be a screenshot from the website accessible at www.tutormenow.com. Currently, there is no website accessible at www.tutormenow.com.

13. Petitioner's belief is further supported by its inability to find any evidence of use of the TUTORMENOW by Petitioner in a Google search or in a search of cached and archived websites using resources such as The Wayback Machine available at <http://archive.org>.

14. After diligent investigation, Petitioner has not been successful in identifying any use by Registrant of the mark that is the subject of the TUTORMENOW Registration.

15. On information and belief, Registrant has not for a period of at least three consecutive years used the TUTORMENOW mark in commerce in connection with the services identified in the TUTORMENOW Registration.

16. On information and belief, there was no bona fide use of Registrant's TUTORMENOW mark in commerce prior to the filing of the use-based application for its registration on May 31, 2013.

17. In the alternative, on information and belief, Registrant's TUTORMENOW mark has been abandoned due to nonuse with intent not to resume use.

WHEREFORE, Petitioner requests that the present Petition for Cancellation be granted and that Registration No. 4,595,353 be cancelled for non-use and abandonment.

Respectfully submitted,

COOLEY LLP

Date: April 15, 2016

By: /John Paul Oleksiuk/

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2016, I mailed the foregoing **PETITION FOR CANCELLATION** regarding to Registrant by depositing a true and correct copy of the same with the United States Postal Service, First Class Mail, postage prepaid, in an envelope addressed to:

Richard Latman
10 N Park Drive Suite 320
Hunt Valley, MD 21030

Date: April 15, 2016

/John Paul Oleksiuk/
John Paul Oleksiuk