

ESTTA Tracking number: **ESTTA741063**

Filing date: **04/19/2016**

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	Boomcloud 360 Inc.		
Entity	Corporation	Citizenship	Delaware
Address	3100 Eaneswood Drive Austin, TX 78746 UNITED STATES		

Attorney information	Connie L. Ellerbach Fenwick & West LLP 801 California Street. Mountain View, CA 94041 UNITED STATES trademarks@fenwick.com Phone:6509888500		
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Registration Subject to Cancellation

Registration No	4428360	Registration date	11/05/2013
Registrant	Complete Meet, LLC 47 Middlesex Drive Brentwood, MO 63144 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2012/09/01 First Use In Commerce: 2012/09/01 All goods and services in the class are cancelled, namely: Providing a web site featuring technology that enables authorized subscribers to upload and playback customized music for use at individually authorized subscriber-sponsored events

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Boom-cloud_360_-_Petition_to_Cancel_THE_CLOUDBOOM_registration_in_the_U_S_.pdf(161337 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/
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Name	Connie L. Ellerbach
Date	04/19/2016

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

In the matter of
Trademark Registration No. 4428360
Registration Date: November 05, 2013
Mark: THE CLOUDBOOM

_____)	
Boomcloud 360 Inc.,)	
Petitioner,)	
)	Cancellation No. _____
vs.)	
)	
COMPLETE MEET, LLC,)	
Registrant.)	
_____)	

PETITION FOR CANCELLATION

Petitioner, Boomcloud 360 Inc., a Delaware limited liability company with a principal place of business at 3100 Eaneswood Drive, Austin, TX 78746, (“Boomcloud 360” or “Petitioner”), believes it suffers, and will continue to suffer, harm from U.S. Registration No. 4428360 (the “Registration”) for the mark THE CLOUDBOOM and therefore petitions for cancellation of the Registration.

As grounds for cancellation, Boomcloud 360 alleges that:

1. The United States Patent and Trademark Office issued the Registration on November 05, 2013 for the mark THE CLOUDBOOM for “Providing a web site featuring technology that enables authorized subscribers to upload and playback customized music for use at individually authorized subscriber-sponsored events.”

2. On November 24, 2015, Boomcloud 360 filed U.S. Trademark Application Serial Number 86/831,013 for the mark BOOMCLOUD 360 (the “Application”) for the following goods and services:

“Digital audio players; digital audio players for use with earphones, headphones, speakers, and other consumer audio and video players; audio speakers and loudspeakers; audio speakers and loudspeakers with built-in amplifiers; battery powered audio speakers and loudspeakers; audio speakers and loudspeakers featuring audio processing software; earphones and headphones; earphones and headphones featuring noise cancellation technology; earphones and headphones featuring audio processing software; protective covers and cases for tablet computers; protective covers and cases for tablet computers, featuring built-in audio speakers and loudspeakers, amplifiers, and audio processing software; computer software for use in the delivery, distribution, and transmission of digital audio, video, and multimedia material; computer software for processing digital audio; software” in Class 9;

“Streaming of audio, visual, audiovisual, and multimedia material via a global computer network; telecommunications” in Class 38;

“Entertainment, namely, providing music to users online via a communication network; entertainment” in Class 41; and

“Providing a website featuring non-downloadable software for processing audio” in Class 42.

Exhibit A consists of a copy of the Application. Boomcloud 360 has a *bona fide* intent to use the BOOMCLOUD 360 mark in commerce in connection with the goods and services in the Application.

3. Boomcloud 360 is likely to be damaged by the THE CLOUDBOOM Registration because, unless cancelled, the Registration may prevent the Application from maturing to registration.

4. Boomcloud 360 believes, and therefore alleges, that Registrant has abandoned all rights in the THE CLOUDBOOM mark, and the Registration. Boomcloud 360 believes, and therefore alleges, that Registrant no longer uses the mark in commerce in connection with the services within the Registration and has no intent to resume use of the mark.

5. Existence of the Registration after Registrant’s abandonment of the registered mark is, and would continue to be, a source of damage and injury to Boomcloud 360 and to the purchasing public.

WHEREFORE, Boomcloud 360 asks the Trademark Trial & Appeal Board to sustain this Petition for Cancellation and cancel the Registration pursuant to Lanham Act §14, 15 U.S.C. §1064.

Boomcloud 360 submits this Petition for Cancellation with its counsel's authorization to charge \$300.00 to counsel's 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:

Stephen R. Garcia
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, California 94041
Telephone: (650) 988-8500 / Facsimile: (650) 938-5200
Emails: trademarks@fenwick.com; srgarcia@fenwick.com

Date: April 19, 2016

Respectfully submitted,



Connie L. Ellerbach
Stephen R. Garcia
Attorneys for Petitioner
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
650-988-8500

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 April 19, 2016, 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:

Complete Meet, LLC
47 Middlesex Drive
Brentwood, MO 63144

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this ____day of April 2016.

Darshika Patel

EXHIBIT A

Trademark/Service Mark Application, Principal Register

Serial Number: 86831013

Filing Date: 11/24/2015

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86831013
MARK INFORMATION	
*MARK	BOOMCLOUD 360
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BOOMCLOUD 360
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Boomcloud 360 Inc.
*STREET	3100 Eaneswood Drive
*CITY	Austin
*STATE (Required for U.S. applicants)	Texas
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	78746
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009
*IDENTIFICATION	Digital audio players; digital audio players for use with earphones, headphones, speakers, and other consumer audio and video players; audio speakers and loudspeakers; audio speakers and loudspeakers with built-in amplifiers; battery powered audio speakers and loudspeakers; audio speakers and loudspeakers featuring audio processing software; earphones and headphones; earphones and headphones featuring noise cancellation technology; earphones and headphones featuring audio processing software; protective covers and cases for tablet computers; protective covers and cases for tablet computers, featuring built-in audio speakers and loudspeakers, amplifiers, and audio processing software; computer software for use in the delivery, distribution, and transmission of digital audio, video, and multimedia material; computer software for

	processing digital audio; software.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	038
*IDENTIFICATION	Streaming of audio, visual, audiovisual, and multimedia material via a global computer network; telecommunications.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	041
*IDENTIFICATION	Entertainment, namely, providing music to users online via a communication network; entertainment.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	042
*IDENTIFICATION	Providing a website featuring non-downloadable software for processing audio.
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Connie L. Ellerbach
ATTORNEY DOCKET NUMBER	31666-00070
FIRM NAME	Fenwick & West LLP
INTERNAL ADDRESS	Silicon Valley Center
STREET	801 California Street
CITY	Mountain View
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94041
PHONE	650-988-8500
FAX	650-938-5200
EMAIL ADDRESS	trademarks@fenwick.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	all other attorneys
CORRESPONDENCE INFORMATION	
NAME	Connie L. Ellerbach
FIRM NAME	Fenwick & West LLP
INTERNAL ADDRESS	Silicon Valley Center
STREET	801 California Street
CITY	Mountain View
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94041
PHONE	650-988-8500

FAX	650-938-5200
*EMAIL ADDRESS	trademarks@fenwick.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	4
FEE PER CLASS	275
*TOTAL FEE DUE	1100
*TOTAL FEE PAID	1100
SIGNATURE INFORMATION	
SIGNATURE	/Ronald A. Kolenic/
SIGNATORY'S NAME	Ronald A. Kolenic
SIGNATORY'S POSITION	Chief Financial Officer
SIGNATORY'S PHONE NUMBER	512/656-9810
DATE SIGNED	11/24/2015

Trademark/Service Mark Application, Principal Register

Serial Number: 86831013

Filing Date: 11/24/2015

To the Commissioner for Trademarks:

MARK: BOOMCLOUD 360 (Standard Characters, see [mark](#))

The literal element of the mark consists of BOOMCLOUD 360.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Boomcloud 360 Inc., a corporation of Delaware, having an address of
3100 Eaneswood Drive
Austin, Texas 78746
United States

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: Digital audio players; digital audio players for use with earphones, headphones, speakers, and other consumer audio and video players; audio speakers and loudspeakers; audio speakers and loudspeakers with built-in amplifiers; battery powered audio speakers and loudspeakers; audio speakers and loudspeakers featuring audio processing software; earphones and headphones; earphones and headphones featuring noise cancellation technology; earphones and headphones featuring audio processing software; protective covers and cases for tablet computers; protective covers and cases for tablet computers, featuring built-in audio speakers and loudspeakers, amplifiers, and audio processing software; computer software for use in the delivery, distribution, and transmission of digital audio, video, and multimedia material; computer software for processing digital audio; software.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 038: Streaming of audio, visual, audiovisual, and multimedia material via a global computer network; telecommunications.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 041: Entertainment, namely, providing music to users online via a communication network; entertainment.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 042: Providing a website featuring non-downloadable software for processing audio.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

The applicant's current Attorney Information:

Connie L. Ellerbach and all other attorneys of Fenwick & West LLP

Silicon Valley Center
801 California Street
Mountain View, California 94041
United States

The attorney docket/reference number is 31666-00070.

The applicant's current Correspondence Information:

Connie L. Ellerbach
Fenwick & West LLP
Silicon Valley Center

801 California Street
Mountain View, California 94041
650-988-8500(phone)
650-938-5200(fax)

trademarks@fenwick.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$1100 has been submitted with the application, representing payment for 4 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Ronald A. Kolenic/ Date: 11/24/2015

Signatory's Name: Ronald A. Kolenic

Signatory's Position: Chief Financial Officer

RAM Sale Number: 86831013

RAM Accounting Date: 11/25/2015

Serial Number: 86831013

Internet Transmission Date: Tue Nov 24 17:52:36 EST 2015

TEAS Stamp: USPTO/BAS-X.XX.XXX.XXX-20151124175236935

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DA-5692-20151124115008520213

BOOMCLOUD 360