

ESTTA Tracking number: **ESTTA748682**

Filing date: **05/26/2016**

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	Home Tech Innovation, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	975 Memorial Dr., #410 Cambridge, MA 02138 UNITED STATES		

Attorney information	Shane Rumbaugh Cooley LLP 1299 Pennsylvania Ave, NW Washington, DC 20004 UNITED STATES srumbaugh@cooley.com, trademarks@cooley.com, vbadolato@cooley.com, pwillsey@cooley.com, Avijay6@gmail.com, bhardwajsa@cs.com Phone:202-728-7107
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**Registration Subject to Cancellation**

Registration No	4890276	Registration date	01/19/2016
Registrant	IDT Consulting And Services Inc. 3613 Whitworth Drive Dublin, CA 94568 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 011. First Use: 2015/07/05 First Use In Commerce: 2015/07/14 Cancelled goods and services in the class: Environmental control apparatus, namely, apparatus for lighting, heating, steamgenerating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; design and development of medical research products, kitchen products, electronic products, machinery for the agriculture industry and home decor products
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**Grounds for Cancellation**

No use of mark in commerce before application, amendment to allege use, or statement of use was filed	Trademark Act Sections 14(1) and 1(a), (c), and (d)
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Attachments	Petition to Cancel SUVI.pdf(46006 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	/Shane Rumbaugh/
Name	Shane Rumbaugh
Date	05/26/2016

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

In the matter of Trademark Registration No. 4,890,276  
For the Trademark SUVI  
Registered on January 19, 2016

Home Tech Innovation, Inc.,	)	
	)	
Petitioner,	)	
	)	Cancellation No.
v.	)	
	)	
IDT Consulting and Services, Inc.,	)	
	)	
Respondent.	)	
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**PETITION TO CANCEL**

Home Tech Innovation, Inc. (“Petitioner”), a Delaware corporation having its principal place of business at 975 Memorial Dr., #410 Cambridge, Massachusetts 02138, believes that it has been and will continue to be damaged by the continued registration of the mark SUVI, United States Registration No. 4,890,276, issued on January 19, 2016, to IDT Consulting and Services, Inc. (“Respondent”), and hereby petitions to cancel the same pursuant to Section 1 of the Lanham Act, 15 U.S.C. § 1051.

As grounds for its petition, Petitioner alleges as follows.

1. Petitioner, has a bona fide intent to offer refrigeration and cooking appliances in connection with the SUIE mark (“Petitioner’s Mark”).
2. On September 29, 2014, Respondent filed an intent to use application with the United States Patent and Trademark Office (“PTO”) in connection with “IT consulting services; Technical support services, namely, troubleshooting of computer software problems; Design and

development of medical research products, kitchen products, electronic products, solar products, machinery for the agriculture industry and home decor products” for services in International Class 42, as evidenced by Application Serial No. 86/408,559 (“Respondent’s Application”).

3. Respondent’s Application was published for opposition on March 4, 2015, and a Notice of Allowance was issued on May 19, 2015.

4. Respondent submitted a Statement of Use along with an alleged specimen of use on August 14, 2015.

5. On September 21, 2015, the PTO rejected Respondent’s alleged specimen of use because it failed to demonstrate use of Respondent’s services in International Class 42.

6. On September 24, 2015, Petitioner filed an application with the PTO to register the SUVIE mark in connection with “refrigeration and cooking appliances” in International Class 11, as evidenced by Application Serial No. 86/720,759 (“Petitioner’s Application”).

7. After Petitioner filed its application, Respondent proposed to amend Respondent’s Application by adding goods in connection with “[E]nvironmental control apparatus, namely, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; design and development of medical research products, kitchen products, electronic products, solar products, machinery for the agriculture industry and home decor products” in International Class 11.

8. Respondent’s Application was not published for opposition in connection with goods in International Class 11.

9. Respondent submitted an alleged specimen of use on December 13, 2015 in the form of the computer-generated images as demonstrated below.



10. On information and belief, the December 13, 2015 specimen is not an actual image of product packaging.

11. United States Registration No. 4,890,276 for the mark SUVI issued on January 19, 2016, in connection with “IT consulting services; technical support services, namely, troubleshooting of computer software problems” in International Class 42, and “[E]nvironmental control apparatus, namely, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; design and development of medical research products, kitchen products, electronic products, solar products, machinery for the agriculture industry and home decor products” in International Class 11 (the “Cited Registration”).

12. On January 14, 2016, the PTO issued an Office Action initially refusing to register Petitioner’s Mark.

13. The PTO refused registration of Petitioner’s Mark pursuant to Section 2(d) of the Lanham Act, because the Examining attorney concluded that Petitioner’s Mark, when used on or

in connection with the goods identified in the Application, is likely to cause confusion with Respondent's SUVI mark.

14. Petitioner is informed and believes that Respondent owns the Cited Registration and that Respondent's address is 3613 Whitworth Drive, Dublin, California 94568.

15. The continued existence of the Cited Registration will damage Petitioner because it could prevent Petitioner from lawfully obtaining a registration for Petitioner's Mark.

**GROUND FOR CANCELLATION:**

**REGISTRANT DOES NOT USE THE MARK IN CONNECTION  
WITH ALL IDENTIFIED GOODS & SERVICES**

16. Petitioner repeats and realleges each and every allegation set forth in Paragraphs 1 through 15 as if fully set forth herein.

17. On information and belief, Respondent has never used the SUVI mark in connection with some of the goods and services identified in the Cited Registration.

18. On information and belief, Respondent was not using the SUVI mark on or before August 14, 2015 in connection with some of the goods and services identified in the Cited Registration.

19. Specifically, on information and belief, Respondent has never used the SUVI mark on the design and development of medical research products.

20. On information and belief, Respondent has never used the SUVI mark on the design and development of kitchen products.

21. On information and belief, Respondent has never used the SUVI mark on the design and development of electronic products.



## CERTIFICATE OF SERVICE

I hereby certify that I mailed the foregoing **PETITION TO CANCEL** to the listed Owner of Record and Attorney of Record for Respondent 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:

IDT Consulting and Services, Inc.  
3613 Whitworth Drive  
Dublin, California 94568  
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Sanjay Bhardwaj  
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Date: May 26, 2016

By:           /s/ Shane Rumbaugh            
Shane M. Rumbaugh