

ESTTA Tracking number: **ESTTA750254**

Filing date: **06/03/2016**

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	Jett & Axl, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	18 Hook Mountain Road, Suite 203 c/o Van Duyne, Bruno & Co., P.A. Pine Brook, NJ 07058 UNITED STATES		

Attorney information	Peter J. Vranum Gordon, Herlands, Randolph & Cox LLP 355 Lexington Avenue New York, NY 10017 UNITED STATES pvranum@gordonherlands.com Phone:2129861200		
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Registration Subject to Cancellation

Registration No	4691959	Registration date	02/24/2015
Registrant	MRD Productions LLC 1608 Maxwell Drive Wall Township, NJ 07719 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 1999/11/08 First Use In Commerce: 2014/07/11 All goods and services in the class are cancelled, namely: Entertainment in the nature of ongoing television programs in the field of comedy; Entertainment services in the nature of comedy shows; Entertainment, namely, a continuing comedy show broadcast over television, satellite, audio, and video-media; Providing a website featuring blogs and non-downloadable publications in the nature of articles in the field(s) of comedy

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)
Abandonment	Trademark Act Section 14(3)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Attachments	nofiltr.petition.pdf(160940 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	/peter j. vranum/
Name	Peter J. Vranum
Date	06/03/2016

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

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JETT & AXL, LLC,)
)
Petitioner,)
)
v.) Cancellation
)
MRD PRODUCTIONS LLC,) No. _____
)
Registrant.)
-----X

Re: Trademark Registration:
Registrant: MRD Productions LLC, a Delaware limited liability company
Mark: NO FILTR
Reg. No. 4691959
Reg.: February 24, 2015
For: Entertainment in the nature of ongoing television programs in the field of
comedy; Entertainment services in the nature of comedy shows;
Entertainment, namely, a continuing comedy show broadcast over
television, satellite, audio and video media; Providing a website featuring
blogs and non-downloadable publications in the nature of articles in the
field(s) of comedy
Class: 41

PETITION TO CANCEL

In the matter of the registration for the mark "NO FILTR", Registration No. 4691959 for "Entertainment in the nature of ongoing television programs in the field of comedy; Entertainment services in the nature of comedy shows; Entertainment, namely, a continuing comedy show broadcast over television, satellite, audio and video media; Providing a website featuring blogs and non-downloadable publications in the nature of articles in the field(s) of comedy," (in International Class 41), filed

under Section 1A of the Trademark Act on July 14, 2014 by MRD Productions LLC, a Delaware limited liability company with an address at 1608 Maxwell Drive, Wall Township, New Jersey 07719 (hereinafter called "Registrant"), registered on February 24, 2015, Jett & Axl, LLC, a limited liability company organized under the laws of the State of Delaware, with an address c/o Van Duyne, Bruno & Co., P.A., 18 Hook Mountain Road, Pine Brook, New Jersey 07058 (hereinafter called "Petitioner"), believes that it would be damaged by the continued existence of such registration and hereby petitions to cancel the same.

The grounds for cancellation, on information and belief, are as follows:

1. Petitioner owns Application Serial Nos. 86518333 and 86527226 for the mark #NOFILTER, and Application Serial Nos. 86518384 and 86527176 for the mark NO FILTER (collectively, the "Petitioner's Applications").
2. Registrant's mark was cited against Petitioner's Applications.
3. On information and belief, Registrant has ceased use, within the meaning of 15 U.S.C. §1127, of the mark shown in Registration No. 4691959.
4. On information and belief, Registrant has an intent not to resume use of the mark shown in Registration No. 4691959.
5. Registrant has abandoned Registration No. 4691959.
6. Upon a reasonable inquiry, Applicant is unable to find sale or offering of nearly all of the services recited in Registrant's NOFILTR Registration, whether directly through the Registrant or via a third party. To the extent that Registrant in fact is able to demonstrate proper and continuing use in commerce on any services identified in Registrant's NOFILTR registration, Applicant requests that the Board

delete all services which have never been in use (non-use) or for which the mark has been abandoned, i.e., those for which Registration has no verifiable intent to resume use.

7. Upon information and belief, Registrant made knowingly false statements regarding the NO FILTR mark with an intent to deceive the PTO, in connection with the Application filed July 17, 2014. Specifically, the Application filed July 17, 2014 affirmed that all of the services in the application were in current use in commerce. Registrant knew the mark had not been actually used in commerce on all of the services, but Registrant verified the specimen and its use in commerce being warned that willful false statements and the like may jeopardize the validity of the Registration. There is no question that the fraud in question was material and resulted in the registration of services that would otherwise not be registered. Therefore, Registrant's NO FILTR registration should be invalidated based on Registrant's fraud, and cancelled under Section 14 of the Lanham Act.

WHEREFORE, continued registration of the aforesaid mark is and continues to be damaging to Petitioner and we request that it be cancelled.

Please recognize Peter J. Vranum and William B. Randolph of the firm of Gordon, Herlands, Randolph & Cox LLP, all members of the Bar of the State of New York, 355 Lexington Avenue, New York, New York 10017, as attorneys for Petitioner.

Dated: June 3, 2016

Respectfully submitted,

GORDON, HERLANDS,
RANDOLPH & COX LLP



Peter J. Vranum, Esq.
Attorneys for Petitioner
355 Lexington Avenue
New York, New York 10017
(212) 986-1200

CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of June, 2016, I served a true and correct copy of the foregoing Petition to Cancel by First Class U.S. Mail, postage prepaid, upon the Registrant:

MRD Productions LLC .
1608 Maxwell Drive
Wall Township, NJ 07719-3850

Peter J Vranum

Peter J Vranum