

ESTTA Tracking number: **ESTTA761728**

Filing date: **08/01/2016**

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	Checkbox Survey, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	44 Pleasant Street, Suite 110 Watertown, MA 02472 UNITED STATES		

Attorney information	Douglas R. Wolf, John L. Welch Wolf Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210 UNITED STATES drwtrademarks@wolfgreenfield.com, jlwtrademarks@wolfgreenfield.com, sgstrademarks@wolfgreenfield.com Phone:617-646-8000		
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Registration Subject to Cancellation

Registration No	3872488	Registration date	11/09/2010
Registrant	THE EVENT NUT, LLC 11420 Riverside Dr., No. 22 North Hollywood, CA 91602 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2009/06/01 First Use In Commerce: 2009/06/01 All goods and services in the class are cancelled, namely: Advertising, marketing and promotional services for the events, businesses, products and services of others
Class 041. First Use: 2009/06/01 First Use In Commerce: 2009/06/03 All goods and services in the class are cancelled, namely: Entertainment in the nature of an entertainment news show featuring the events, businesses, products and services of others delivered by the internet, television, audio and video media

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	P0778.50000US00 Petition for Cancellation 8.1.2016.pdf(30606 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	/drw/
Name	Douglas R. Wolf
Date	08/01/2016

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

Registrant: The Event Nut, LLC
Registration No.: 3,872,488
Date Registered: November 9, 2010
Mark: THE EVENT NUT

_____)	
Checkbox Survey, Inc.)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
The Event Nut, LLC)	
)	
Registrant.)	
_____)	

PETITION FOR CANCELLATION

Checkbox Survey, Inc., a corporation organized and existing under the laws of Delaware, having a place of business at 44 Pleasant Street, Suite 110, Watertown, Massachusetts, 02472 (“Petitioner”), believes it will be damaged by the continued registration of the mark depicted in U.S. Registration No. 3872488 for THE EVENT NUT, which is owned by The Event Nut, LLC, (“Registrant”) of California, and hereby petitions for cancellation of the same.

The grounds for this Petition for Cancellation are as follows:

1. On November 9, 2010, the United States Patent and Trademark Office issued U.S. Registration No. 3872488 for the mark THE EVENT NUT for use in connection with “advertising, marketing and promotional services for the events, businesses, products and services of others,” in International Class 35, and “entertainment in the nature of an entertainment news show featuring the events, businesses, products and services of others

delivered by the internet, television, audio and video media,” in International Class 41 (“Registrant’s Mark”).

2. On March 17, 2015, Petitioner filed U.S. Application Serial No. 86/566,639 (“Petitioner’s Application”) for the mark EVENT NUT for use in connection with “computer software and mobile application used for event registration, event check-in, event calendaring and information, and event networking,” in International Class 9 (“Petitioner’s Mark”).

3. On January 31, 2016, the USPTO issued a final refusal of Petitioner’s Application on the grounds of likelihood of confusion with Registrant’s Mark.

4. Without conceding the propriety of the refusal under Section 2(d), Petitioner alleges, on information and belief, that Registrant has abandoned Registrant’s Mark by discontinuing use of the mark in connection with the above-recited services with no intent to resume use.

5. Registrant has not updated its Facebook page since 2013, You Tube since 2011, it has had no blog updates since created in 2011.

6. Consequently, Petitioner’s ability to use and register Petitioner’s Mark EVENT NUT in connection with “computer software and mobile application used for event registration, event check-in, event calendaring and information, and event networking,” will be impaired by continued registration of Registrant’s Mark.

WHEREFORE, Petitioner believes that it will be damaged by the continued registration of Registrant’s Mark, and prays that this Petition for Cancellation of Registrant’s Mark be granted and judgment be entered against Registrant. The requisite filing fee is enclosed.

Respectfully submitted,

By  _____

Douglas R. Wolf
John L. Welch
Stephanie G. Stella
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Ave.
Federal Reserve Plaza
Boston, MA 02210
617-646-8000

Attorneys for Petitioner Checkbox Survey, Inc.

Date: August 1, 2016

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **PETITION TO CANCEL** was served on Registrant, this 1st day of August, 2016, by sending same via Federal Express to the following (no email address is available for sending a courtesy copy):

The Event Nut, LLC
11420 Riverside Dr., No. 22
North Hollywood, CA 91602

A handwritten signature in blue ink that reads "Douglas R. Wolf". The signature is written in a cursive style and is positioned above a horizontal line.

Douglas R. Wolf

Attorney Docket No.: P0778.50000US00