

ESTTA Tracking number: **ESTTA774551**

Filing date: **10/04/2016**

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	Trackfin B.V.		
Entity	limited liability company	Citizenship	Netherlands
Address	Waaier 38 Leimuiden, 2451VM NETHERLANDS		

Attorney information	Holby M. Abern Neal, Gerber & Eisenberg LLP Two North LaSalle Street Suite 1700 Chicago, IL 60602 UNITED STATES habern@ngelaw.com, afuelleman@ngelaw.com, crosenburg@ngelaw.com, ac-rawford@ngelaw.com, ECFdocket@ngelaw.com Phone:312-269-8000
----------------------	--

### Registration Subject to Cancellation

Registration No	4024046	Registration date	09/06/2011
Registrant	Agri-Mark, Inc. P.O. Box 5800 Lawrence, MA 01842 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 041. First Use: 2011/01/07 First Use In Commerce: 2011/01/07 All goods and services in the class are cancelled, namely: Ski instruction; Snowboard instruction
---

### Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
-------------	-----------------------------

Attachments	Petition to Cancel SNOW HOW_.pdf(13386 bytes )
-------------	--

## 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	/Holby M. Abern/
Name	Holby M. Abern
Date	10/04/2016



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

In the Matter of Registration No.	)	
4024046 for SNOW HOW	)	
	)	
	)	
TRACKFIN, B.V.	)	Cancellation No. _____
	)	
Petitioner,	)	
	)	
v.	)	
	)	
AGRI-MARK, INC.	)	
	)	
Respondent.	)	

**PETITION FOR CANCELLATION**

This Petition for Cancellation is submitted in the matter of Registration No. 4024046, which is owned by Agri-Mark, Inc., a Delaware corporation with a place of business at P.O. Box 5800 Lawrence Massachusetts 01842 (“Respondent”). Registration No. 4024046 for the mark SNOW HOW issued on September 6, 2011 for use in connection with “Ski instruction; Snowboard instruction” in International Class 41. Trackfin B.V., a limited liability company organized and existing under the laws of The Netherlands, of Waaier 38, Leimuiden, Netherlands 2451VM (“Petitioner”), believes that it will be injured by the continued registration of Registration No. 4024046 and, therefore, petitions to cancel the same.

The grounds for this Petition are as follows:

1. For over 50 years, Applicant has been designing and manufacturing snow grooming vehicles and related equipment. In connection with these services, Applicant also provides business management and consulting services, training services in the field of ski slope preparation and secure handling and maintenance of snow grooming machines and related

software development. As a result of its effort, Applicant has established itself as the industry leader within the field of snow grooming equipment and related snow grooming services throughout the world.

2. For many years, Petitioner has used the mark SNOWHOW BY PRINOTH in connection with, *inter alia*, training in the field of ski slope preparation, and maintenance of snow groomers. As a result of this use and promotion of the SNOWHOW BY PRINOTH mark, Petitioner has built up and now owns considerable consumer recognition, which is symbolized by its SNOWHOW BY PRINOTH mark, which is a valuable asset of the Petitioner.

3. Petitioner has applied for federal registration of the mark SNOWHOW BY PRINOTH, Serial No. 86/855,229, in connection with “Business management, business administration; business consulting for enterprises; consultancy relating to sales promotions; commercial management advisory services” in International Class 35, “providing of training” in Class 41 and “Design and development of computer hardware and software; creation, maintenance and updating of software, computer software and computer programs; computer and software consultancy services; installation, maintenance and repair of software; support and maintenance services for computer software; updating of computer software; rental of computer hardware and computer software” in Class 42.

4. Respondent obtained federal registration for the mark SNOW HOW for use in connection with “Ski instruction; Snowboard instruction” in International Class 41, which was issued September 6, 2011, (Reg. No. 4024046) (the “Registration”).

5. The Registration has been cited in a Section 2(d) likelihood of confusion refusal to Petitioner’s pending application for the mark SNOWHOW BY PRINOTH.

6. On information and belief, Respondent is no longer using the SNOW HOW Marks in interstate commerce with the services for which the mark has been registered. On information and belief, Respondent is not using and has abandoned the SNOW HOW mark within the meaning of Section 45 of the Trademark Act, 15 U.S.C. § 1127. The Registrations should therefore be cancelled in accordance with Section 14 of the Trademark Act, 15 U.S.C. § 1064.

7. Petitioner is being and is likely to continue to be damaged by the continued registration of Respondent's SNOW HOW marks in that Petitioner's application to register SNOW HOW BY PRINOTH is being impaired by Respondent's continued registration of Registration No. 4024046.

WHEREFORE, Petitioner requests that Registration No. 4024046 be cancelled and that this Petition for Cancellation be granted.

Date: October 4, 2016

Respectfully submitted,  
By: /Holby M. Abern/  
One of the Attorneys for  
Trackfin B.V.

Holby M. Abern  
Andrea S. Fuelleman  
Neal, Gerber & Eisenberg LLP  
Two North LaSalle Street  
Chicago, Illinois 60602-3801  
(312) 269-8000

**CERTIFICATE OF SERVICE**

I, Andrea S. Fuelleman, an attorney, state that I served a copy of the foregoing **PETITION FOR CANCELLATION** upon:

AGRI-MARK, INC.  
P.O. BOX 5800  
LAWRENCE, MASSACHUSETTS 01842

CATHERINE F. INTRAVIA  
SHIPMAN & GOODWIN LLP  
1 CONSTITUTION PLZ FL 19  
HARTFORD, CONNECTICUT 06103-1919

via U.S. Mail on October 4, 2016.

/Andrea S. Fuelleman/  
Andrea S. Fuelleman