

ESTTA Tracking number: **ESTTA777314**

Filing date: **10/18/2016**

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

Proceeding	92064551
Party	Plaintiff Ebates Performance Marketing, Inc.
Correspondence Address	BRIAN M DAVIS VLP LAW GROUP LLP 5960 FAIRVIEW RD, SUITE 400 CHARLOTTE, NC 28210 UNITED STATES bdavis@vlplawgroup.com
Submission	Other Motions/Papers
Filer's Name	Brian M. Davis
Filer's e-mail	bdavis@vlplawgroup.com
Signature	/Brian M. Davis/
Date	10/18/2016
Attachments	SHOPULARITY NOTICE OF FAILURE OF SERVICE.pdf(21470 bytes) SHOPULARITY Returned Petition to Cancel.pdf(412104 bytes)

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

Ebates Performance Marketing, Inc.,

Cancellation No.: 92064551

Petitioner

US Reg. No.: 4,046,350

vs.

Jordan R. Holberg,

Respondent

Mark: SHOPULARITY

NOTICE OF FAILURE OF SERVICE OF PETITION FOR CANCELLATION

Box TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

On October 5, 2016, Ebates Performance Marketing, Inc. ("Petitioner") initiated the above noted Cancellation Proceeding and transmitted a copy of the Petition for Cancellation to the address of record for the registrant, Jordan R. Holberg, via overnight courier. On October 17, 2016, Petitioner's counsel received the attached from the overnight courier indicating that the Petition is undeliverable at this address.

Respectfully submitted,

/Brian M. Davis/

Brian M. Davis

VLP Law Group LLP
5960 Fairview Road
Suite 400
Charlotte, North Carolina 28210
Telephone: (704) 245-6515



1st Attempt 2nd Attempt Final Attempt Date 10/10 Time 1030
DT1044 4699 7340

ORIGIN ID:PNVA
BRIAN DAVIS
VLP LAW GROUP LLP
5960 FAIRVIEW ROAD
SUITE 400
CHARLOTTE, NC 28210
UNITED STATES US
(704) 245-6515

SHIP DATE: 05OCT16
ACTWGT: 0.50 LB
CAD: 105170017/WSX13000

BILL SENDER

TO

JORDAN R. HOLBERG
374 WEST 46TH STREET
APT. 4W
NEW YORK NY 10036
REF: 6297452

(704) 245-6515
INV:
PO:

DEPT:



FedEx Express



54411E2E14E8

THU - 06 OCT 3:00
STANDARD OVERNIGHT

1st Attempt
 2nd Attempt
 Final Attempt
DT1044 443

FedEx EXCEPTION / SEND AGAIN

Express Customer's Package/Shipment was delayed due to:

FOR IN STATION USE ONLY

Package Researched Date: _____ Initial: _____

Comments: _____

- Address is correct/Recipient no longer at this address
- Incorrect recipient address/Incomplete recipient address
- Need apartment or suite number
- Recipient moved and left no forwarding address or phone number
- Not in / Business closed / Not authorized to leave shipment without a signature
 - 1st Attempt
 - 2nd Attempt
 - 3rd Attempt
- Signature required, please contact shipper for disposition
- Holiday - Closed
- Package not attempted (reason): _____
- Refused (reason): _____
- Future delivery. Reattempt on (date): _____

UPDATE ALL INFORMATION AND
POD INTO COSMOS**

REMOVE LABEL BEFORE DELIVERY

117465 M-0025 01/01 RRD

1st Attempt 2nd Attempt Final Attempt Date 10/10 Time 1135
DT1044 4699 5289

1st Attempt 2nd Attempt Final Attempt Date 10/10 Time 8305
DT1043 0330 8093