

ESTTA Tracking number: **ESTTA774113**

Filing date: **09/30/2016**

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	Lucy Gonzalez		
Entity	Individual	Citizenship	UNITED STATES
Address	2036 Havasupai Dr. Bullhead City, AZ 86442 UNITED STATES		

Attorney information	Jackson MacDonald BreanLaw LLC P.O. Box 4120 ECM #72065 Portland, OR 97208 UNITED STATES tmsupport@breanlaw.com Phone:5034967585		
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Registration Subject to Cancellation

Registration No	4240362	Registration date	11/13/2012
Registrant	ON THE GRIND SUP, LLC 2205 W SWANN AVE TAMPA, FL 33606 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2011/06/15 First Use In Commerce: 2011/06/15 All goods and services in the class are cancelled, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	CAN-PetitionToCancelAbandonment -- 4240362.pdf(505348 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	/JMD/
Name	Jackson MacDonald
Date	09/30/2016

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

_____)	
Lucy Gonzalez)	
Petitioner,)	
))	Cancellation No. _____
))	
v.)	Mark: ON THE GRIND
))	
))	Registration No. 4240362
ON THE GRIND SUP, LLC)	
Respondent.)	
))	
_____)	

PETITION TO CANCEL

Petitioner, Lucy Gonzalez (hereinafter, “Petitioner”) is citizen of the state of Arizona, with an address of 2036 Havasupai Dr. Bullhead City, Arizona United States 86442. Petitioner believes she is being damaged by Registration No. 4240362 for ON THE GRIND covering “Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms,” in Class 025 and hereby petitions to cancel the registration of said mark.

As grounds in support for this Cancellation, Petitioner alleges the following:

1. Upon information and belief, the name of the current owner of the registration is ON THE GRIND SUP, LLC with an address of 2205 W Swann Ave Tampa, Florida United States 33606 (“Respondent”).
2. Petitioner is the owner of U.S. Application Serial No. 86925199 for the mark OTG OUTTHAGHETTO ONTHAGRIND covering “Beanies; Hats; Jackets; Jeans; Pants; Shirts; Socks; Sweatshirts; Tank tops; Hooded sweatshirts; T-shirts” in International Class 025.

3. On Jun. 16, 2016, the United States Patent and Trademark Office issued an Office Action for Petitioner's Application Serial No. 86925199 stating, *inter alia*, Registration of the applied-for mark is refused because of a likelihood of confusion with the mark(s) in U.S. Registration No(s). 4240362 Trademark Act Section 2(d), 15 U.S.C.A. § 1052(d); *see* TMEP §§ 1207.01 et seq.

COUNT I: ABANDONMENT

4. Petitioner repeats and incorporates herein by reference the averments in the preceding paragraphs.
5. Upon information and belief, Respondent has abandoned the mark ON THE GRIND which is the subject of Registration No. 4240362.
6. ON THE GRIND SUP, LLC, the record owner of Registration No. 4240362, was administratively dissolved in 2012 and is currently inactive as shown by the printout from the Florida Department of State attached hereto as Exhibit A.
7. Upon information and belief, Respondent discontinued use of the mark ON THE GRIND on or in connection with the goods set forth in Registration No. 4240362 more than three years prior to Petitioner's filing this Petition, and Respondent's use of the Registered Mark has not resumed since such discontinuance.
8. Upon information and belief, Respondent's discontinuance of use of the mark ON THE GRIND on or in connection with the goods set forth in Registration No. 4240362 was accompanied by Respondent's intent not to resume use the mark ON THE GRIND on or in connection with such goods.
9. In light of the registration refusal based upon Registration No. 4240362 encountered by Petitioner in relation to Application Serial No. 86925199 and in view of the evidentiary

presumptions that result from Registration No. 4240362 that should not be recognized given Respondent's abandonment of the mark in Registration No. 4240362, Petitioner will be damaged if Respondent is allowed to maintain such registration.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that Registration No. 4240362 be cancelled as it relates to the goods for which it is registered.

The filing fee of \$300 for this Petition to Cancel is being submitted electronically with this Petition.

Petitioner hereby appoints Jackson MacDonald, of the law firm of BreanLaw, LLC, member of the Oregon bar, as its attorney with full power of substitution and revocation, to prosecute this cancellation proceeding, and to transact all business in the U.S. Patent and Trademark Office in connection herewith.

Dated: September 30, 2016

Respectfully submitted,

/JMD/

Jackson MacDonald

BreanLaw, LLC
P.O. Box 4120 ECM #72065
Portland, Oregon 97208
jackson@breanlaw.com
tmsupport@breanlaw.com
800-451-5815
Attorney for Petitioner

CERTIFICATE OF SERVICE

This is to certify that a copy of this PETITION TO CANCEL, is being deposited with the U.S. Postal Service on September 30, 2016 by first-class mail, postage prepaid to the counsel of record in an envelope addressed as follows:

ON THE GRIND SUP, LLC
2205 W SWANN AVE TAMPA, FLORIDA
33606

/JMD/
Jackson MacDonald

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800-451-5815
Attorney for Petitioner

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS



Detail by Entity Name

Florida Limited Liability Company

ON THE GRIND SUP, LLC

Filing Information

Document Number	L11000100267
FEI/EIN Number	NONE
Date Filed	08/31/2011
Effective Date	08/31/2011
State	FL
Status	INACTIVE
Last Event	ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed	09/28/2012
Event Effective Date	NONE

Principal Address

2205 WEST SWANN AVE
TAMPA, FL 33606

Mailing Address

2205 WEST SWANN AVE
TAMPA, FL 33606

Registered Agent Name & Address

RODRIGUEZ, CHRISTOPHER M
2205 WEST SWANN AVE
TAMPA, FL 33606

Authorized Person(s) Detail

Name & Address

Title MGRM

RODRIGUEZ, CHRISTOPHER M
2205 WEST SWANN AVE
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Title MGRM

CLARK, JUSTIN V
2205 WEST SWANN AVE
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Title MGRM

MCNEALY, DERRICK D
2205 WEST SWANN AVE
TAMPA, FL 33606

Annual Reports

No Annual Reports Filed

Document Images

[08/31/2011 -- Florida Limited Liability](#)

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Mark: ON THE GRIND

ON THE GRIND

US Serial Number: 85414713

Application Filing Date: Sep. 02, 2011

US Registration Number: 4240362

Registration Date: Nov. 13, 2012

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 13, 2012

Publication Date: Aug. 28, 2012

Mark Information

Mark Literal Elements: ON THE GRIND

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 15, 2011

Use in Commerce: Jun. 15, 2011

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: ON THE GRIND SUP, LLC

Owner Address: 2205 W SWANN AVE
TAMPA, FLORIDA UNITED STATES 33606

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Brian Gibbons

Attorney Primary trademarks@briangibbons.com
Email Address:

Attorney Email No
Authorized:

Correspondent

Correspondent Brian Gibbons
Name/Address: 3936 S. Semoran Blvd., Suite 330
Orlando, FLORIDA UNITED STATES 32822

Phone: 407-384-6156

Fax: 407-384-2601

Correspondent e- trademarks@briangibbons.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 13, 2012	REGISTERED-PRINCIPAL REGISTER	
Aug. 28, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 28, 2012	PUBLISHED FOR OPPOSITION	
Aug. 08, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 25, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jul. 25, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 24, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	77312
Jul. 24, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Jul. 20, 2012	ASSIGNED TO LIE	77312
Jul. 17, 2012	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jan. 17, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jan. 17, 2012	FINAL REFUSAL E-MAILED	
Jan. 17, 2012	FINAL REFUSAL WRITTEN	81860
Jan. 13, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 13, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 13, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 20, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 20, 2011	NON-FINAL ACTION E-MAILED	6325
Dec. 20, 2011	NON-FINAL ACTION WRITTEN	81860
Dec. 20, 2011	ASSIGNED TO EXAMINER	81860
Sep. 08, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 06, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 13, 2012