

ESTTA Tracking number: **ESTTA775608**

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

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	Gary M. Bell		
Entity	Individual	Citizenship	UNITED STATES
Address	6109 Medicine Lake Road Crystal, MN 55422 UNITED STATES		

Attorney information	Felicia J. Boyd Barnes & Thornburg LLP 225 South Sixth Street, Suite 2800 Minneapolis, MN 55402-4662 UNITED STATES trademarks-mi@btlaw.com, fboyd@btlaw.com, heather.johnson@btlaw.com Phone:612-367-8729		
----------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

Registration Subject to Cancellation

Registration No	3931328	Registration date	03/15/2011
Registrant	Vacumi, Inc. 3017 Trieste Way El Dorado Hills, CA 95762 UNITED STATES		

Goods/Services Subject to Cancellation

Class 018. First Use: 2009/07/01 First Use In Commerce: 2009/07/01
All goods and services in the class are cancelled, namely: Backpacks

Grounds for Cancellation

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

Attachments	PLAYERS PACK - Petition to Cancel.pdf(16083 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	/Felicia J. Boyd-kt/
Name	Felicia J. Boyd
Date	10/10/2016

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

Mark: PLAYERS PACK
Registration No.: 3,931,328

GARY MICHAEL BELL,
Petitioner,

v.

VACUMI, INC.,
Respondent.

Cancellation No. _____

PETITION FOR CANCELLATION

Gary Michael Bell believes he is now and will in the future continue to be damaged by Vacumi, Inc.'s registration of the trademark PLAYERS PACK, as shown in Registration No. 3,931,328, registered on March 15, 2011 (hereinafter the "Registered Mark"), and hereby petitions to cancel said registration.

The grounds for this petition include the following:

1. Gary Michael Bell ("Petitioner"), an individual of the United States, provides is in the business of making and selling a variety of bag products including the products which are the subject of the application referenced herein.

2. Petitioner is the owner of U.S. Serial No. 86/861,474 for PLAYERSPAK claiming "golf bags and pouches for golf equipment and accessories; golf kits consisting of golf bags or pouches, golf balls, golf tees, golf ball markers, divot repair tools, golf gloves, lip balm, sun block, or snack foods" in Class 28.

3. Vacumi, Inc. (“Respondent”) is the owner of Registration No. 3,931,328 for the mark PLAYERS PACK for “Backpacks” in Class 18. A printout from TSDR, evidencing the current status and ownership of the Registered Mark, is attached as Exhibit A.

4. Respondent’s claimed date of first use of its mark in connection with Respondent’s services is July 1, 2009, and the application filing date is September 4, 2007.

5. The U.S. Patent and Trademark Office cited Respondent’s Registration No. 3,931,328 for PLAYERS PACK as a potential bar to the registration of Petitioner’s pending application Serial No. 86/861,474 to register PLAYERSPAK.

6. Upon information and belief, Respondent has discontinued use of the Registered Mark with intent not to resume such use and Respondent has abandoned the Registered Mark.

7. Upon information and belief, Respondent’s legal entity has been dissolved and/or is not in good standing with its state of incorporation. A printout from the California Secretary of State evidencing the dissolved status of Respondent’s business is attached as Exhibit B.

8. Upon information and belief, Respondent has not used the Registered Mark in commerce for at least the last three years.

9. Upon information and belief, cancellation of Respondent’s Mark is proper and would avoid a finding of a likelihood of confusion based upon Respondent’s Registration No. 3,931,328 for PLAYERS PACK.

WHEREFORE, Gary Michael Bell prays that said registration be cancelled.

October 10, 2016

Respectfully submitted,

By: s/Felicia J. Boyd/

Felicia J. Boyd

BARNES & THORNBURG LLP

225 South Sixth Street, Suite 2800

Minneapolis, MN 55402-4662

Telephone: 612-367-8729

E-mail: fboyd@btlaw.com

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the **PETITION FOR CANCELLATION** has been served October 10, 2016, by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to the Registrant:

Vacumi, Inc.
3017 Trieste Way
El Dorado Hills, CALIFORNIA 95762
UNITED STATES

s/Felicia J. Boyd/
Felicia J. Boyd