

ESTTA Tracking number: **ESTTA798215**Filing date: **01/30/2017**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	Ascend Federal Credit Union		
Entity	FEDERALLY CHARTERED CREDIT UNION	Citizenship	TENNESSEE
Address	P.O. Box 1210, 520 Airpark Dr. Tullahoma, TN 37388 UNITED STATES		

Attorney information	Jan Tamulewicz Katten Muchin Rosenman LLP 575 Madison Avenue New York, NY 10022 UNITED STATES jan.tamulewicz@kattenlaw.com Phone:2129408673
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Registration Subject to Cancellation

Registration No	4407991	Registration date	09/24/2013
Registrant	SunState Financial Solutions, LLC 3600 NW 43rd Street, D1 Gainesville, FL 32606 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 2012/07/01 First Use In Commerce: 2012/07/01

All goods and services in the class are cancelled, namely: Commercial loan origination; commercial-loan brokerage; mortgage loan origination; mortgage loan servicing; credit card and debit card transaction processing services; providing turnkey commercial loan programs, turnkey leasing programs and loan and lease servicing to credit unions

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	sunstatepetitiontocancel.pdf(232945 bytes)
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Signature	/Jan Tamulewicz/
Name	Jan Tamulewicz
Date	01/30/2017

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

Ascend Federal Credit Union)	
)	
)	
Petitioner,)	
)	
v.)	Mark: BANKING WITHOUT THE BANK
)	
SunState Financial Solutions, LLC)	Reg. No.: 4,407,991
)	
Registrant.)	
)	

FILED ELECTRONICALLY VIA ESTAA

PETITION FOR CANCELLATION

Petitioner Ascend Federal Credit Union ("Petitioner"), a federally chartered credit union organized and existing under the laws of the State of Tennessee, having an address at P.O. Box 1210, 520 Airpark Dr., Tullahoma, Tennessee 37388, through its undersigned attorneys, believes that it is being damaged by Registration No. 4,407,991 for the mark BANKING WITHOUT THE BANK, and hereby petitions to cancel the same in Class 36 on the grounds stated below:

1. Upon information and belief, SunState Financial Solutions, LLC ("Registrant") is a limited liability company (LLC) organized and existing under the laws of Florida, having its place of business at 3600 NW 43rd Street, D1 Gainesville, Florida 32606.

2. Upon information and belief, on May 21, 2012, Registrant filed Application Serial No. 85/630,647 for the mark BANKING WITOUT THE BANK

3. Upon information and belief, on September 13, 2013, Application Serial No. 85/630,647 matured into U.S. Trademark Registration No. 4,407,991 covering, among other goods and services, the following services in Class 36:

Class 36: Commercial loan origination; commercial loan brokerage; mortgage loan origination; mortgage loan servicing; credit card and debit card transaction processing services; providing turnkey commercial loan programs, turnkey leasing programs and loan and lease servicing to credit unions.

4. Petitioner is the owner of U.S. Trademark Application Serial No. 87/316,684 for the mark BANKING WITHOUT THE BANK, filed January 27, 2017 and covering "Banking and financing services; Banking consultation; Banking services, namely, the provision of personal and business accounts, namely, checking accounts, savings accounts, and money markets; Banking services featuring the provision of certificates of deposit, Individual

Retirement Accounts, direct deposit, payroll tax debiting services, ATM services, debit card services, pre-paid debit/gift card services, credit card services, traveler's checks, online banking, mobile banking, telephone banking, fund transfer services, bill pay, wire transfers, automated clearing house (ACH) services, remote deposit services, safe and lockbox services, namely, safe deposit box services; Foreign currency exchange services; Loan financing, namely, providing home loans, business loans, escrow services, commercial loans, loan modification services, lines of credit, commercial real estate loans, construction loans, refinance loans, small business administration loans, personal loans; providing financial investment advice; credit union services, in Class 36" (the "Petitioner's Mark").

5. Upon information and belief, during the three years since a Certificate of Registration issued for Registrant's BANKING WITHOUT THE BANK mark, Registrant has never used the BANKING WITHOUT THE BANK mark in the United States in connection with any of "commercial loan origination; commercial loan brokerage; mortgage loan origination; mortgage loan servicing; credit card and debit card transaction processing services; providing turnkey commercial loan programs, turnkey leasing programs and loan and lease servicing to credit unions, in Class 36" and has no intention to commence use of the mark in the United States in connection with such services.

6. Upon information and belief, as a result of the non-use of the BANKING WITHOUT THE BANK mark in the United States in connection with the Class 36 services recited in Registration No. 4,407,991, Registration No. 4,407,991 has been abandoned by Registrant with respect to the Class 36 services covered thereby, and is therefore subject to cancellation under Section 14 of the Trademark Act, 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner requests that Registration No. 4,407,991 be cancelled in Class 36 and that this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully submitted,
KATTEN MUCHIN ROSENMAN LLP
Attorneys for Petitioner
575 Madison Avenue
New York, New York 10022-2585
(212) 940-8673

By: 

Jan Tamulewicz

January 30, 2017

CERTIFICATE OF SERVICE

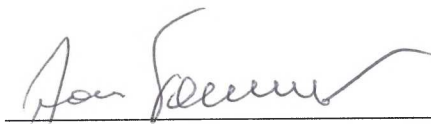
I hereby certify that I have caused a true and correct copy of the Petition for Cancellation against Registration No. 4,407,991 to be served upon:

SunState Financial Solutions, LLC
3600 NW 43rd Street, D1
Gainesville, Florida 32606

and

Theodore A. Breiner, Esq.
Breiner & Breiner, L.L.C.
115 North Henry Street
Alexandria, Virginia 22314

by placing same in an envelope, properly sealed and addressed, with postage prepaid and depositing same with the United States Postal Service on this 30th day of January, 2017.

A handwritten signature in dark ink, appearing to read "Jan Tamulewicz", is written over a horizontal line.

Jan Tamulewicz
Katten Muchin Rosenman LLP
Attorneys for Petitioner
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New York, New York 10022-2585
(212) 940-8673