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Filing date: **01/02/2019**

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 has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Office Holdings Limited		
Entity	Limited Company	Citizenship	United Kingdom
Address	180 Old Street Classic House, Martha's Buildings London, EC1V9BP UNITED KINGDOM		

Attorney information	Laura M. Konkel Michael Best & Friedrich LLP One South Pinckney Street, Suite 700 Madison, WI 53703 UNITED STATES lmkonkel@michaelbest.com, mkeipdocket@michaelbest.com no phone number provided
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Registration Subject to Cancellation

Registration No.	5434917	Registration date	03/27/2018
Registrant	Poste Premier, LLC 320 West 86th Street, Apt. 12A New York, NY 10024 UNITED STATES		

Goods/Services Subject to Cancellation


Class 025. First Use: 2017/06/21 First Use In Commerce: 2017/07/12 All goods and services in the class are subject to cancellation, namely: Clothing, namely, men's and women's casual clothing, namely, t-shirts, shirts, hoodies, trousers


Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Abandonment	Trademark Act Section 14(3)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	87646677	Application Date	10/16/2017
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	POSTE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2010/00/00 First Use In Commerce: 2010/00/00 Footwear

U.S. Registration No.	5480251	Application Date	10/16/2017
Registration Date	05/29/2018	Foreign Priority Date	NONE
Word Mark	POSTE MISTRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2013/00/00 First Use In Commerce: 2013/00/00 Footwear		

Attachments	87646677#TMSN.png(bytes) 87646682#TMSN.png(bytes) 24914987_Petition_to_Cancel.PDF(81323 bytes)
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Signature	/Laura M. Konkel/
Name	Laura M. Konkel
Date	01/02/2019

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

Office Holdings Limited,

Petitioner,

v.

Poste Premier, LLC,

Respondent.

Cancellation No. _____

Registration No. 5434917

Mark: POSTE PREMIER

Registration Date: March 27, 2018

PETITION TO CANCEL

Office Holdings Limited (“Petitioner”), a United Kingdom limited company with an address at Classic House, Martha’s Buildings, 180 Old Street London, United Kingdom EC1V9BP, believes that it is and will continue to be damaged by Registration No. 5434917 and hereby petitions to cancel it. The grounds for cancellation are as follows:

1. Upon information and belief, Poste Premier, LLC (“Respondent”) is a New York limited liability company with an address at 320 West 86th Street, Apt. 12A, New York, New York 10024.
2. Respondent owns U.S. Registration No. 5434917 (“Respondent’s Registration”) for POSTE PREMIER (“Respondent’s Mark”) for “clothing, namely, men’s and women’s casual clothing, namely, t-shirts, shirts, hoodies, trousers” in Class 25 (“Respondent’s Goods”).
3. Petitioner owns U.S. Application No. 87646677 (“Petitioner’s Application”) for POSTE for “footwear” in Class 25 (“Petitioner’s Goods”).
4. Respondent’s Registration was cited against Petitioner’s Application in an Office Action issued December 31, 2018.

5. Petitioner also owns U.S. Registration No. 5480251 for POSTE MISTRESS for Petitioner's Goods. Petitioner's POSTE and POSTE MISTRESS marks are hereafter collectively referred to as "Petitioner's Marks."

6. Since at least as early as 2010, Petitioner has used POSTE in the United States in connection with Petitioner's Goods.

7. Since at least as early as 2013, Petitioner has used POSTE MISTRESS in the United States in connection with Petitioner's Goods.

8. Petitioner has priority with respect to the marks at issue because Petitioner's Marks were used before Respondent filed the intent-to-use application that resulted in Respondent's Registration and the date of first use and first use in commerce alleged therein.

9. Respondent's Mark is confusingly similar to Petitioner's Marks in appearance, sound, and commercial impression.

10. Respondent's Goods are related to Petitioner's Goods.

11. Based on the similarities in the parties' marks and goods, consumers are likely to believe that Respondent's Goods originate from Petitioner or are otherwise endorsed, sponsored, or approved by Petitioner, resulting in a likelihood of confusion in the marketplace and damage to Petitioner.

12. Upon information and belief, Respondent abandoned any alleged use of Respondent's Mark in connection with Respondent's Goods with no intent to resume use.

13. Petitioner is damaged and will continue to be damaged by the existence of Respondent's Registration because unless cancelled, it will remain as a cloud on Petitioner's legal rights in Petitioner's Marks.

COUNT I
PRIORITY AND LIKELIHOOD OF CONFUSION

14. Petitioner incorporates Paragraphs 1-13 as if fully set forth herein.

15. Continued registration of Respondent's Mark will cause irreparable damage to Petitioner under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

COUNT II
ABANDONMENT

16. Petitioner incorporates Paragraphs 1-15 as if fully set forth herein.

17. Upon information and belief, Respondent abandoned any alleged rights in Respondent's Mark within the meaning of 15 U.S.C. § 1127.

WHEREFORE, Petitioner requests that Respondent's Registration be cancelled.

Respectfully submitted,

OFFICE HOLDINGS LIMITED

By its Attorney,

/Laura M. Konkel/

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Date: January 2, 2019