

ESTTA Tracking number: **ESTTA257489**

Filing date: **12/26/2008**

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	Metropolitan Airports Commission		
Entity	Public Corporation	Citizenship	Minnesota
Address	6040 28th Ave S. Minneapolis, MN 55450 UNITED STATES		

Attorney information	Barbara Grahn Oppenheimer Wolff & Donnelly, LLP 45 S 7th St, Suite 3300 Minneapolis, MN 55402 UNITED STATES bgrahn@oppenheimer.com, idocket@oppenheimer.com Phone:612-607-7325		
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Registration Subject to Cancellation

Registration No	2960588	Registration date	06/07/2005
Registrant	INDEPENDENCE AIR, INC. 45200 BUSINESS COURT DULLES, VA 20166 UNITED STATES		

Goods/Services Subject to Cancellation

Class 039. First Use: 2003/11/19 First Use In Commerce: 2003/11/19 All goods and services in the class are cancelled, namely: AIR TRANSPORTATION SERVICES
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	GO YOUR OWN WAY CANC.pdf (2 pages)(85078 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	/Barbara Grahn/
Name	Barbara Grahn
Date	12/26/2008

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

Metropolitan Airports Commission,)	Cancellation No. _____
)	
Petitioner)	Mark: GO YOUR OWN WAY
)	
v.)	Registration No. 2960588
)	
Independence Air, Inc,)	Filing Date: October 24, 2003
)	
Registrant)	Registered: June 7, 2005
_____)	

PETITION FOR CANCELLATION

Metropolitan Airports Commission, a Minnesota public corporation located at 6040 28th Avenue South, Minneapolis, MN 55450, believes it is damaged by and will continue to be damaged by U. S. Registration No. 2960588 for the mark “GO YOUR OWN WAY,” registered on the Principal Register on June 7, 2005, by Independence Air, Inc., with an address at 45200 Business Court, Dulles, VA 20166. The grounds for opposition are as follows:

1. On March 19, 2008, Metropolitan Airports Commission (referred to herein as “Petitioner”) filed U. S. Trademark application Serial No. 77426171 for its mark “GOING YOUR WAY” for “airport services; airport parking services; providing information via the Internet and on-site in the field of airport services, airport parking services, airport parking availability, flight arrival and departure information, and airport transportation; providing information via text messaging, the Internet and by telephone regarding airport parking availability, airport parking lot, and airport parking ramp services,” in International Class 39 and “leasing airport land, office space and shopping mall space” in International Class 36.
2. The USPTO has refused registration of Petitioner’s mark based on the Registrant’s registration for the mark “GO YOUR OWN WAY,” Registration No. 2960588, for “air transportation services,” in International Class 39 (the “Registration”).
3. Upon information and belief, Registrant abandoned the “Go Your Own Way’ mark by ceasing operations in 2006 due to bankruptcy, and is no longer offering for sale the services identified in the Registration.
4. Petitioner has made diligent inquiry as to Registrant’s use of the “GO YOUR OWN WAY” mark and has determined that Registrant is no longer using the mark.

5. Petitioner is damaged and will continue to be damaged by Registrant's continued registration of the mark "GO YOUR OWN WAY" mark because, by virtue of such registration, Petitioner will be prevented from registering its mark with the United States Patent and Trademark Office.

WHEREFORE, Petitioner asks that this Petition for Cancellation be granted, that judgment be entered against Registrant, and that United States Trademark Registration No. 2960588 be cancelled.

Please direct all correspondence to:

Barbara J. Grahn
OPPENHEIMER WOLFF & DONNELLY, LLP
45 South Seventh St, Suite 3300
Minneapolis, MN 55402

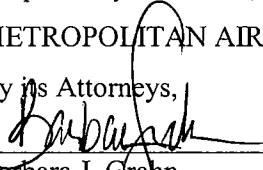
Petitioner appoints Barbara Grahn, Erika Koster, Barbara Wrigley, Ed Laine, David Prange, Adam Trampe, Adam Kiedrowski, Chris Hilberg, Elizabeth Brenckman, and Robert Hirning of the firm of Oppenheimer Wolff & Donnelly, LLP, its attorneys to transact all business in the U. S. Patent and Trademark Office relating to this matter with full power of substitution.

This Petition for Cancellation is being filed electronically with the required filing fee. The Commissioner is authorized to charge any underpayment or any other amount due for filing of this Petition for Cancellation to Deposit Account No. 50-1901, the deposit account of Opposer's counsel noted below.

Respectfully submitted,

METROPOLITAN AIRPORTS COMMISSION

By its Attorneys,

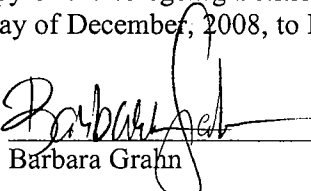


Barbara J. Grahn
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45 South Seventh St., Suite 3300
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612-607-7325

Date: December 26, 2008

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Petition for Cancellation was mailed by first-class mail, postage prepaid, on the 26th day of December, 2008, to Independence Air, Inc., 45200 Business Court, Dulles, VA 20166.



Barbara Grahn