

ESTTA Tracking number: **ESTTA343515**

Filing date: **04/22/2010**

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	Tango Card, Inc.		
Entity	Corporation	Citizenship	Washington
Address	601 Union Street Ste. #4200 Seattle, WA 98101 UNITED STATES		

Attorney information	Chase Libbey 9519 Mount Vernon Landing Alexandria, VA 22309, VA 22309 UNITED STATES clibbey@tangocard.com Phone:703-799-8000		
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Registrations Subject to Cancellation

Registration No	3474096	Registration date	07/22/2008
Registrant	Afiniti Ventures, Inc. 9423 SE 36th Street Mercer Island, WA 98040 UNITED STATES		

Goods/Services Subject to Cancellation

<p>Class 035. First Use: 2006/07/00 First Use In Commerce: 2006/07/00 All goods and services in the class are cancelled, namely: promoting the use of charge and credit card accounts through the administration of incentive award, affinity and loyalty programs; promoting the goods and services of others through incentive award, affinity and loyalty programs; promoting the sale of goods and services of others by means of advertisements, coupons, discounts and incentives in the nature of sweepstakes, rebates, and value added offers generated in connection with the use of payment cards</p>
<p>Class 036. First Use: 2008/03/04 First Use In Commerce: 2008/03/04 All goods and services in the class are cancelled, namely: financial services, namely, providing credit card and charge card services</p>

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	3474097	Registration date	07/22/2008
Registrant	Afiniti Ventures, Inc. 9423 SE 36th Street Mercer Island, WA 98004 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2006/07/00 First Use In Commerce: 2006/07/00
--

All goods and services in the class are cancelled, namely: promoting the use of charge and credit card accounts through the administration of incentive award, affinity and loyalty programs; promoting the goods and services of others through incentive award, affinity and loyalty programs; promoting the sale of goods and services of others by means of advertisements, coupons, discounts and incentives in the nature of sweepstakes, rebates, and value added offers generated in connection with the use of payment cards

Class 036. First Use: 2008/03/04 First Use In Commerce: 2008/03/04

All goods and services in the class are cancelled, namely: financial services, namely, providing credit card and charge card services

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Cancellation Petition.pdf (7 pages)(799682 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 Overnight Courier on this date.

Signature	/Chase Libbey/
Name	Chase Libbey
Date	04/22/2010

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

In Re Registration Nos.	3474096 and)	
	3474097)	
Mark: UTANGO)	
Issued: July 22, 2008)	
)	
TANGO CARD, INC.,)	
)	Cancellation No. _____
	Petitioner)	
v.)	
)	
AFINITI VENTURES, INC.)	
)	
	Registrant)	

PETITION FOR CANCELLATION

Tango Card, Inc. ("Petitioner"), a Washington corporation having its principal office at 601 Union Street, Ste. #4200, Seattle WA 98101, believes that it is damaged by Registration Nos. 3474096 and 3474097, and hereby petitions to cancel the same under the provisions of U.S.C. §1064(3). As grounds for cancellation, Petitioner asserts that:

1. Petitioner is in the business of promoting stored value card (a/k/a/ "gift card") use and management, including the sale of such cards.
2. Upon information and belief, Afiniti Ventures, Inc. is, or was, a Delaware corporation, registered in the State of Washington, with offices at 9423 SE 36th Street, Mercer Island, WA 98040 (the "Registrant").
3. On July 22, 2008, Registrant was granted registration of the mark "UTANGO" as a standard character mark under Section 1(a) of the Lanham Act, 15 U.S.C. §1051(a), for

good and services in Class 35 (*inter alia*, promoting the use of charge card accounts) and in Class 36 (*inter alia*, promoting credit card and charge card services).

4. Petitioner's applications to register the standard character mark TANGO CARD in Class 36 (Serial No. 77657840) and Class 42 (Serial No. 77657848) were refused by a Final Office Action dated November 11, 2009. A basis stated for the refusal to register was the likelihood of confusion with the subject Registrant's marks.

5. Good cause exists for the cancellation of the Registrant's conflicting marks, because the Registrant has abandoned the marks, ceased to do business, and has formally dissolved.

Basis for Cancellation - Abandonment

6. Upon information and belief, Afiniti Ventures, Inc. has ceased use of the mark "UTANGO" for any purpose. An article posted February 5, 2009, by CompareRewards.com¹ reported that the "uTango" website (www.utango.com) announced that it had "decided to call it quits", citing the "dismal economic climate."

7. Upon information and belief, the URL www.utango.com is no longer available to the internet. However, the website "TechFlash", which reports on the Seattle technology community, quoted the announcement from Afiniti Venture's founder and posted it. The TechFlash quotation of the announcement is presented in Petition Exhibit 1 hereto.

8. Upon information and belief, Afiniti Ventures, Inc. has ceased doing business. Records available at the website of the Washington Secretary of State show (i) the corporation is "Inactive" and (ii) a Dissolution Date of January 2, 2008. See Petition Exhibit 2.

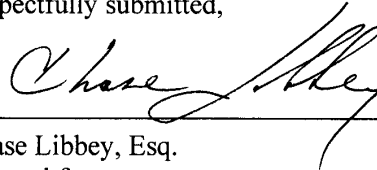
¹ <http://www.comparerewards.com/archives/004860.html>

9. Upon information and belief, Afiniti Venture's status as a Delaware corporation is "Void", meaning that it has failed to file its annual reports for two years, or pay its annual franchise tax for (at least) one year. The last year Afiniti Ventures filed an annual report with the Secretary of State of Delaware was 2007. See Petition Exhibit 3.

WHEREFORE, Petitioner prays that Registration Nos. 3474096 and 3474097 be cancelled pursuant to 15 U.S.C. §1064(3), because (1) the mark "UTANGO" has been abandoned, (2) the Registrant has ceased to do business, has dissolved, and no longer exists.

Dated: April 29, 2010.

Respectfully submitted,

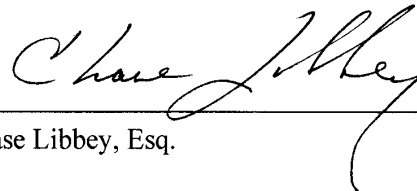


Chase Libbey, Esq.
Counsel for
TANGO CARD, INC.
9519 Mount Vernon Landing
Ste. #1
Alexandria, VA
703-799-8000

CERTIFICATE OF SERVICE

Pursuant to C.F.R. §2.111, I hereby certify that a true and correct copy of the foregoing Petition for Cancellation was served, via overnight courier, on the counsel of record for Registrant Afiniti Ventures, Inc., at the following address:

Aaron Hendelman
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL RD
PALO ALTO CA 94304-1050



Chase Libbey, Esq.

Petition Exhibit 1

Statement of Jim Miller, CEO and Founder of Afiniti Ventures, as quoted from the website www.utango.com in an article entitled "uTango's Last Dance"², published on February 4, 2009 by TechFlash (a product of the *Puget Sound Business Journal*), an online news site dedicated to covering the technology industry in the Pacific Northwest:

"Dear uTANGO Members,

It is with great regret and sadness that we announce the closure of the uTANGO® LifeStage Visa® Rewards Program.

Our team has worked passionately to build and operate a revolutionary rewards program that would recognize extraordinary long-term loyalty and reward it with significant cash payouts to our most loyal members.

Unfortunately, this dismal economic climate has made it impossible for us to secure the growth capital needed to fund our operations and sustain the uTANGO program. So we are left with no choice but to shut it down.

--Reward checks have already been mailed to all members who had qualified for an Annual Cash Reward or Activation Bonus as of January 28th, 2009.

--A special message for uTANGO Visa® cardholders. Continue to use your uTANGO Visa card everywhere you shop where Visa is accepted. You'll have the same great benefits including Zero Liability from unauthorized purchases and Instant Cash Worldwide access at 23 million ATM locations. Look for more information arriving soon about exciting changes to your credit card account.

--For those of you who sent in your marriage license please rest assure that they have been shredded.

We are honored by your active participation in the uTANGO program and grateful for your support.

Sincerely,

Jim Miller
Founder & CEO"

² Source: http://www.techflash.com/seattle/2009/02/uTangos_last_dance39111717.html

Petition Exhibit 2

Record for Afiniti Ventures, Inc. from the Secretary of State of Washington:

Corporations: Registration Detail

http://www.sos.wa.gov/corps/search_detail.aspx?ubi=602556457



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Corporations Division - Registration Data Search

Neither the State of Washington nor any agency, officer, or employee of the State of Washington warrants the accuracy, reliability, or timeliness of any information in the Public Access System and shall not be liable for any losses caused by such reliance on the accuracy, reliability, or timeliness of such information. While every effort is made to ensure the accuracy of this information, portions may be incorrect or not current. Any person or entity who relies on information obtained from the System does so at his or her own risk.

AFINITI VENTURES, INC.

UBI Number	602556457
Category	REG
Profit/Nonprofit	Profit
Active/Inactive	Inactive
State Of Incorporation	DE
Date of Incorporation	05/10/2007
Expiration Date	05/31/2008
Dissolution Date	01/02/2008
Registered Agent Information	
Agent Name	C T CORPORATION SYSTEM
Address	1801 WEST BAY DR NW STE 206
City	OLYMPIA
State	WA
ZIP	98502
Principal Place of Business	
Address	9423 SE 36TH ST
City	MERCER ISLAND
State	WA
Zip	98040
Country	United States
Special Address Information	
Address	
City	
State	
Zip	

Governing Persons

Title	Name	Address
Officer	MILLER, JIM	9423 SE 36TH ST MERCER ISLAND, WA

Petition Exhibit 2, con't.

Corporations: Registration Detail

http://www.sos.wa.gov/corps/search_detail.aspx?ubi=602556457

Officer	REPP, DAVE	9423 SE 36TH ST MERCER ISLAND, WA
Vice President	ONEILL, SEAN	9423 SE 36TH ST MERCER ISLAND, WA
Director	NEVINS, JOAN	9423 SE 36TH ST MERCER ISLAND, WA

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Washington Secretary of State
801 Capitol Way South
PO Box 40234, Olympia WA 98504-0234
(360) 725-0377



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Petition Exhibit 3

Record for Afiniti Ventures from the Delaware Secretary of State:

Division of Corporations - General Information - Entity Details

<https://delocorp.delaware.gov/in/controller>

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Entity Details

<u>File Number:</u>	4607058	<u>Incorporation Date / Formation Date:</u>	07/28/2005 <small>(mm/dd/yyyy)</small>
<u>Entity Name:</u>	AFINITI VENTURES, INC.		
<u>Entity Kind:</u>	CORPORATION	<u>Entity Type:</u>	GENERAL
<u>Residency:</u>	DOMESTIC	State:	DE
<u>Status:</u>	VOID	Status Date:	03/01/2010

TAX INFORMATION

<u>Last Annual Report Filed:</u>	2007	Tax Due:	\$ 388,283.00
<u>Annual Tax Assessment:</u>	\$ 180,000.00	<u>Total Authorized Shares:</u>	61,000,000

REGISTERED AGENT INFORMATION

Name:	CORPORATION SERVICE COMPANY		
Address:	2711 CENTERVILLE ROAD SUITE 400		
City:	WILMINGTON	County:	NEW CASTLE
State:	DE	Postal Code:	19808
Phone:	(302)636-5401		

FILING HISTORY (Last 5 Filings)

Seq	Document Code	Description	No. of pages	Filing Date <small>(mm/dd/yyyy)</small>	Filing Time	Effective Date <small>(mm/dd/yyyy)</small>
1	C2455	Restated; Stock	17	07/03/2008	15:58	07/03/2008
2	C2405	Amendment; Stock	2	03/12/2007	18:29	03/12/2007
3	C240	Amendment; Domestic Former Name: LOVE'S REWARDS, INC.	1	02/13/2006	17:52	02/13/2006
4	C2455	Restated; Stock	5	10/11/2005	14:47	10/11/2005
5	01025	Incorp Delaware Stock Co.	2	07/28/2005	14:26	07/28/2005

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