

ESTTA Tracking number: **ESTTA480815**

Filing date: **06/29/2012**

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	IMAGINATION HOLDINGS PTY LTD.		
Entity	Australian Limited Liability Com	Citizenship	AUSTRALIA
Address	Level 1, 300 Rundle Street Adelaide,, 5000 AUSTRALIA		

Domestic Representative	VINCENT AMBERLY ATTORNEY AMBERLY LAW 307 E. MARKET STREET SUITE 202 LEESBURG, VA 20176 UNITED STATES vince@amberlylaw.com Phone:703-737-3545
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Registration Subject to Cancellation

Registration No	3984730	Registration date	06/28/2011
Registrant	Jessica D. Harris 1000 River Rd. T-SU2-01 Teaneck, NJ 07666 UNITED STATES		

Goods/Services Subject to Cancellation

Class 028. First Use: 2010/10/01 First Use In Commerce: 2010/10/15 All goods and services in the class are cancelled, namely: Trivia game played with cards and game components
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	TRIVIA BOX		
Goods/Services	Trivia game played with cards and game components		

U.S. Application	85427699	Application Date	09/20/2011
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TRIVIA BOX		
Design Mark			
Description of Mark	The mark consists of the words TRIVIA BOX in a white hand-drawn style, enclosed in a black hand-drawn style box.		
Goods/Services	Class 028. First use: Trivia game played with cards and game components		

Attachments	85427699#TMSN.jpeg (1 page)(bytes) Petition to Cancel LITTLE BOX OF TRIVIA.pdf (3 pages)(287178 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	/VMA/
Name	VINCENT AMBERLY
Date	06/29/2012

use in interstate commerce of October 15, 2010 and has provided these goods to thousands of third parties without any interference from the Registrant or confusion with the Registrant's registered mark.

3. Registration No. 3984730 for the LITTLE BOX OF TRIVIA mark was issued to Registrant on June 28, 2011, which is a date subsequent to Petitioner's first use of its TRIVIA BOX trademark.

4. Petitioner has expended considerable effort and expense in promoting its trademark TRIVIA BOX and the goods and services sold under the mark, with the result that the purchasing public has come to know, rely upon, and recognize the products of Petitioner by such a mark. Petitioner has also developed valuable goodwill established in its trademark.

5. If the Registrant is permitted to retain the registration sought to be cancelled, and thereby, the prima facie exclusive right to use in commerce the mark LITTLE BOX OF TRIVIA on virtually identical goods and services sold by Petitioner, confusion in trade is likely to result from any concurrent use of Petitioner's mark and that of the Registrant all to the great detriment of Petitioner, who has expended considerable sums and effort promoting its mark.

6. Purchasers are likely to consider the goods of Registrant sold under the LITTLE BOX OF TRIVIA mark as emanating from Petitioner, and purchase such goods as those of the Petitioner, resulting in loss of sales to Petitioner.

7. Concurrent use of the mark by the Registrant and Petitioner may result in irreparable damage to Petitioner's reputation and goodwill, if the goods sold by the Registrant are inferior, since purchasers are likely to attribute the source of the Registrant's goods to the Petitioner.

8. If the Registrant is permitted to retain the registration sought to be cancelled, a cloud will be placed on Petitioner's title in and to its trademark TRIVIA BOX, and on its right to enjoy the free and exclusive use thereof in connection with the sale of its goods and services, all to the great injury of the Petitioner.

9. Continued registration of the above-identified registration for the mark LITTLE BOX OF TRIVIA will injure and damage Petitioner.

WHEREFORE, Petitioner deems that it is or will be damaged by Registration No. 3984730 for the mark LITTLE BOX OF TRIVIA, and respectfully petitions for cancellation thereof as it relates to International Class 28, and also requests that the Petitioner be granted whatever other appropriate relief that the Board may grant.

Respectfully submitted,

AMBERLY LAW

Date: June 28, 2012

By: /Vincent M. Amberly/
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