

ESTTA Tracking number: **ESTTA589162**

Filing date: **02/25/2014**

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	PROVEN SOLUTIONS, INC		
Entity	Corporation	Citizenship	CALIFORNIA
Address	9444 Waples Street Suite 440 San Diego, CA 92121 UNITED STATES		

Attorney information	Andrew D. Skale Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, P.C. 3580 Carmel Mountain Road Suite 300 San Diego, CA 92130 UNITED STATES adskale@mintz.com, jddib@mintz.com Phone:858-314-1506		
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Registration Subject to Cancellation

Registration No	4325129	Registration date	04/23/2013
Registrant	Sarah Provenzano 4514 Creekbend Houston, TX 77035 USX		

Goods/Services Subject to Cancellation

Class 035. First Use: 2012/05/01 First Use In Commerce: 2012/05/01 All goods and services in the class are cancelled, namely: Employment agency services, namely, filling the temporary and permanent staffing needs of businesses in the healthcare industry
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation - PROVEN.pdf(96767 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	/Andrew D. Skale/
Name	Andrew D. Skale
Date	02/25/2014

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


In the matter of Registration No. 4,325,129
Registration Date: April 23, 2013

_____)	
PROVEN SOLUTIONS, INC)	
)	
Petitioner,)	
)	Cancellation No.: _____
v.)	
)	
Sarah Provenzano)	
)	
Registrant.)	
_____)	

Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

PETITION FOR CANCELLATION

Proven Solutions, Inc (“Petitioner”), a California corporation with an address at 9444 Waples Street, Suite 440, San Diego, CA 92121, believes that it is and will be damaged by

continued registration of the mark  (“Petitioned Mark”), U.S. Registration No. 4,325,129. The Petitioned Mark is registered for “employment agency services, namely, filling the temporary and permanent staffing needs of businesses in the healthcare industry.” (Class 35). Petitioner hereby petitions for cancellation of the above-referenced Registration pursuant to 15 U.S.C. §§ 1052, 1064 and 37 C.F.R. § 2.112. In support of this Petition, Petitioner alleges as follows:

FACTUAL BACKGROUND


1. Petitioner is the owner of U.S. Trademark Application Serial No. 85/884894 for the mark “PROVEN WORK. LIFE. ELEVATE” for “providing temporary, permanent and contract employment placement, consulting and recruiting services and providing information on employment, careers and temporary staffing through a global computer network; employment agency services; personnel relocation services; personnel placement and recruitment services; temporary personnel, contract staffing services; personnel management consulting services; and personnel outplacement services; career networking services. (Class 35) (“Pending Application”).

2. The Trademark Office cited the Petitioned Mark against Petitioner’s Pending Application alleging likely confusion between the marks under Section 2(d) of the Trademark Act.


3. On information and belief, Registrant is not using the Petitioned Mark to provide the services noted in its Registration.

COUNT ONE: ABANDONMENT

4. Petitioner re-alleges and incorporates herein by reference the allegations in paragraphs 1-3 above as if fully set forth herein.

5. As grounds for cancellation of Registration No. 4,325,129, Petitioner alleges, on information and belief, that Registrant has abandoned the Petitioned Mark . On information and belief, Registrant is not currently using the Petitioned Mark in commerce within the scope of the challenged Registration. On information and belief, Registrant has abandoned the Petitioned Mark by discontinuing use of the mark with no intent to resume use.

6. Petitioner believes that it is and will be damaged by continued registration of the Petitioned Mark since it impairs Petitioner's ability to hold itself out as the owner of its "PROVEN WORK. LIFE. ELEVATE" mark and denies Petitioner the opportunity to obtain a registration for its "PROVEN WORK. LIFE. ELEVATE".

WHEREFORE, Petitioner believes that it is and will be damaged by continued registration of the mark , Registration No. 4,325,129, and, therefore, requests cancellation of the Registration on the ground that Registrant has abandoned the mark with no intent to resume use.

Respectfully submitted,

By: /Andrew D. Skale/
Andrew D. Skale
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Dated: February 25, 2014

Attorneys for Petitioner
Proven Solutions, Inc

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PETITION FOR CANCELLATION was served by U.S. mail, first class, postage prepaid, on this 25 day of February, 2014 on the Registrant at the address listed in the current U.S. Trademark Office Records as follows:

Sarah Provenzano
4514 Creekbend
Houston, TEXAS 77035

/Sharon Wester/
/Sharon Wester/

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