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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	State Automobile Mutual Insurance Company		
Entity	Corporation	Citizenship	Ohio
Address	518 East Broad Street Columbus, OH 43215 UNITED STATES		

Attorney information	Jeffrey S. Standley Standley Law Group LLP 6300 Riverside Drive Dublin, OH 43017 UNITED STATES trademarks@standleyllp.com, jstandley@standleyllp.com, bmarsh@standleyllp.com Phone:(614)792-5555		
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**Registration Subject to Cancellation**

Registration No	2536697	Registration date	02/05/2002
Registrant	Mortgage Guaranty Insurance Corporation 250 East Kilbourn Avenue Milwaukee, WI 53202 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 036. First Use: 1998/10/01 First Use In Commerce: 1998/11/10 All goods and services in the class are cancelled, namely: Administration of mortgage lending information for others
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	Petition_for_Cancellation_DEFENDER_.pdf(28303 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	/Jeffrey S. Standley/
Name	Jeffrey S. Standley

Date	06/02/2014
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF REGISTRATION NO.: 2,536,697

MARK: DEFENDER

State Automobile Mutual Insurance Company,  
Petitioner,

v.

Mortgage Guaranty Insurance Corporation,  
Registrant.

CANCELLATION NO. \_\_\_\_\_

**PETITION FOR CANCELLATION**

State Automobile Mutual Insurance Company (“Petitioner”), an Ohio corporation, having a business address of 518 East Broad Street, Columbus, Ohio 43215, believes that it is being damaged by the continued registration of the mark DEFENDER shown in U.S. Registration No. 2,536,697 (“the ‘697 registration”), and hereby petitions to cancel the same in International Class 036 for the services “administration of mortgage lending information for others.” As grounds for cancellation, Petitioner alleges:

**PETITIONER’S TRADEMARK RIGHTS**

1. Petitioner has been in the business of offering insurance services for over 90 years.
2. Petitioner has made continuous use in commerce of the mark DEFENDER in association with its insurance services since at least December 31, 1985.
3. By virtue of Petitioner’s continuous use of the DEFENDER mark, the mark has become known to the public, and Petitioner has established valuable goodwill in the mark. The

public has come to associate the mark with Petitioner and to know the mark as a source indicator for the insurance services emanating from Petitioner.

4. Petitioner, directly and through its affiliated companies, is the owner of more than 25 federal service mark registrations for services classified in International Class 036 and is well known in the industry for its services.
5. On October 24, 2012, Petitioner filed US Trademark Application Ser. No. 85761945 (“the ‘945 application”) to register the mark DEFENDER in International Class 036 for “insurance services, namely, underwriting property and casualty insurance.”
6. The ‘945 application is based on actual use in commerce in association with the listed services from at least as early as December 31, 1985.
7. On February 19, 2013, the US Trademark Office issued an Office Action asserting a Section 2(d) likelihood of confusion refusal due to four registrations, including the ‘697 registration.
8. On August 19, 2013, in response to the February 19, 2013 Office Action, Petitioner amended its listed services to “insurance services, namely, underwriting property, homeowners, and renters insurance”; provided argument why the cited registrations did not cause a likelihood of confusion; and asked that the ‘945 application be allowed to proceed to publication.
9. On October 3, 2013, the US Trademark Office issued a final Office Action that removed the 2(d) refusals as to all cited registrations except the ‘697 registration.

### REGISTRANT

10. Upon information and belief, based on the public records of the US Trademark Office, Mortgage Guaranty Insurance Corporation (“Registrant”) is a Wisconsin corporation with a mailing address of 250 East Kilbourn Avenue, Milwaukee, Wisconsin 53202.
11. Upon information and belief, based on the public records of the US Trademark Office, Registrant is the current owner of the ‘697 registration.

### THE ‘697 REGISTRATION

12. Upon information and belief, based on the public records of the US Trademark Office, US Trademark application serial number 76295093 (“the ‘093 application”) was filed by Registrant, on August 6, 2001, to register the mark DEFENDER for the services “administration of mortgage lending information for others” in International Class 036.
13. Upon information and belief, based on the public records of the US Trademark Office, the ‘093 application was based upon actual use of the mark in commerce, and Registrant claimed that it used the DEFENDER mark in association with “administration of mortgage lending information for others” from at least as early as November 10, 1998.
14. Upon information and belief, based upon the public records of the US Trademark Office, The US Trademark Office registered the ‘093 application as the ‘697 registration on February 5, 2002.
15. Upon information and belief, based upon the public records of the US Trademark Office, Registrant filed a Combined Declaration of Use and Incontestability Under Sections 8 & 15 on January 10, 2008.

16. Upon information and belief, based upon the public records of the US Trademark Office, Registrant filed a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 and 9 on January 30, 2012.
17. Upon information and belief, based upon the public records of the US Trademark Office, the '697 registration is currently live.

#### ABANDONMENT

18. Upon information and belief, the mark represented by the Registrant's '697 registration has not been used in commerce by the Registrant for at least the past three years in association with the listed services.
19. Upon information and belief, Registrant has no intent to make future use of the mark represented in the '697 registration in association with the listed services.
20. Upon information and belief, Registrant's conduct is evidence of abandonment sufficient to order cancellation of the '697 registration.

#### CONCLUSIONS

21. Petitioner is the rightful owner of the DEFENDER mark.
22. Registrant has abandoned the DEFENDER mark as embodied in the '697 registration.
23. The '697 registration should be cancelled.

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained and that the US Reg. No. 2,536,697 for the mark "DEFENDER" be cancelled.

The Commissioner is also authorized to charge any fees which may be required to Deposit Account 19-4076.

Respectfully submitted,

State Automobile Mutual Insurance Company

Date: June 2, 2014

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**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing PETITION FOR CANCELLATION to be served, via first class mail, postage prepaid, on this 2nd day of June 2014, to Registrant at the address identified on the US Patent and Trademark Office's TARR database as follows:

Mortgage Guaranty Insurance Corporation  
250 East Kilbourn Avenue  
Milwaukee, Wisconsin 53202

/Beverly A. Marsh/  
Beverly A. Marsh