

ESTTA Tracking number: **ESTTA619397**

Filing date: **08/04/2014**

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	Coup Clothing, LLC		
Entity	Corporation	Citizenship	Idaho
Address	312 Union Street Boise, ID 83702 UNITED STATES		

Attorney information	Robert L. Shaver DYKAS & SHAVER 1403 W. FRANKLIN ST. BOISE, ID 83701 UNITED STATES amy@dykaslaw.com,shaver@dykaslaw.com Phone:208-345-1122		
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Registration Subject to Cancellation

Registration No	4457775	Registration date	12/31/2013
Registrant	Shapiro, Jared 2019 5th St #105 Santa Monica, CA 90405 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2011/06/16 First Use In Commerce: 2012/08/01 All goods and services in the class are cancelled, namely: Baby bottoms; Baby tops; Bandanas; Bathing suits; Beanies; Belts; Bibs not of paper; Bikinis; Boots; Bow ties; Boxer shorts; Bras; Caps; Coats; Do rags; Dresses; Ear muffs; Ear warmers; G-strings; Gloves; Hats; Headbands; Jackets; Jeans; Jerseys; Jumpsuits; Muscle tops; Overalls; Pajamas; Pants; Polo shirts; Ponchos; Scarves; Shirts; Shoes; Shorts; Skirts; Socks; Sweat pants; Sweaters; Sweatshirts; Thongs; Ties; Undergarments; Underwear; Uniforms; Vests
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Grounds for Cancellation

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

U.S. Registration No.	4052892	Application Date	04/11/2011
Registration Date	11/08/2011	Foreign Priority Date	NONE
Word Mark	COUP		

Design Mark	<h1>COUP</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2009/10/17 First Use In Commerce: 2009/10/17 Beanies; Belts; Caps; Coats; Gloves; Hats; Pants; Scarfs; Shirts; Shoes; Shorts; Socks; Sweatshirts; T-shirts

Attachments	85292153#TMSN.png(bytes) petition_to_cancel_2014_08_04_as_filed_hayw701.pdf(14940 bytes) Exhibit A.pdf(177382 bytes) Exhibit B.pdf(168189 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	/Robert L. Shaver/
Name	Robert L. Shaver
Date	08/04/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD

Coup Clothing LLC,)	
)	Trademark Cancellation No.
Petitioner,)	
)	Attorney's Case No. HAYW701
vs.)	
)	
Jared Shapiro)	
)	
Registrant)	
_____)	

PETITION TO CANCEL

TO: Trademark Trial and Appeal Board
Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Coup Clothing LLC (“Petitioner”), an Idaho limited liability corporation having its principal place of business at 312 Union Street, Boise, Idaho 83702, believes that it is damaged by Registration No. 4457775 and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged on information and belief that:

1. Jared Shapiro (“Registrant”) is the listed owner of United States Trademark Registration No. 4457775 for Coup® plus design for “Baby bottoms; Baby tops; Bandanas; Bathing suits; Beanies; Belts; Bibs not of paper; Bikinis; Boots; Bow ties; Boxer shorts; Bras; Caps; Coats; Do rags; Dresses; Ear muffs; Ear warmers; G-strings; Gloves; Hats; Headbands; Jackets; Jeans; Jerseys; Jumpsuits; Muscle tops; Overalls; Pajamas; Pants; Polo shirts; Ponchos; Scarves; Shirts; Shoes; Shorts; Skirts; Socks; Sweat pants; Sweaters; Sweatshirts; Thongs; Ties;

Undergarments; Underwear; Uniforms; and Vests in International Class 025” with an alleged date of first use in commerce of August 1, 2012. A true and correct copy of the registration is attached as Exhibit A.

2. Upon information and belief, Registrant filed application serial number 85800819 that matured into United States Trademark Registration No. 4457775 on or about December 12, 2012, as a 1(A) filing.

3. Since as early as October 17, 2009, Petitioner has been using Coup® in conjunction with: “Beanies; Belts; Caps; Coats; Gloves; Hats; Pants; Scarfs; Shirts; Shoes; Shorts; Socks; Sweatshirts; and T-shirts in International Class 025.”

4. Petitioner has registered a U.S. Trademark Registration No. 4052892. A true and correct copy of the application is attached as Exhibit B.

5. Petitioner has established registered trademark rights in its Coup® mark for at least the goods listed in paragraph 3 above prior to Registrant’s filing of Registrant’s in-use application on December 12, 2012.

6. Upon information and belief, Registrant’s first use in commerce of the mark Coup® having registration number 4457775 was after Petitioner’s first use of Petitioner’s mark Coup®.

7. Registration No. 4457775 should be canceled because the existence and continued existence of the same provides the Registrant with the prima facie exclusive right to the use in interstate commerce of that mark and all trademarks likely to be confused therewith, including Petitioner’s established trademark.

8. By reason of the foregoing allegations, Petitioner has the right to use trademarks which are confusingly similar to the mark registered by the Registrant, and believes it is and will continue to be damaged by the continued registration of the Registration No. 4457775.

WHEREFORE, Petitioner prays that Registration No. 4457775 registered December 31, 2013, for the goods and services specified therein, be canceled and that this Petition to Cancel be sustained.

DATED This 4th day of August, 2014.

Respectfully submitted,

/ Robert L. Shaver /
Robert L. Shaver
Registration No. 42145
DYKAS & SHAVER, LLP
P.O. Box 877
Boise, ID 83701-0877
Telephone: (208) 345-1122



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Word Mark **COUP**

Goods and Services IC 025. US 022 039. G & S: Baby bottoms; Baby tops; Bandanas; Bathing suits; Beanies; Belts; Bibs not of paper; Bikinis; Boots; Bow ties; Boxer shorts; Bras; Caps; Coats; Do rags; Dresses; Ear muffs; Ear warmers; G-strings; Gloves; Hats; Headbands; Jackets; Jeans; Jerseys; Jumpsuits; Muscle tops; Overalls; Pajamas; Pants; Polo shirts; Ponchos; Scarves; Shirts; Shoes; Shorts; Skirts; Socks; Sweat pants; Sweaters; Sweatshirts; Thongs; Ties; Undergarments; Underwear; Uniforms; Vests. FIRST USE: 20110616. FIRST USE IN COMMERCE: 20120801

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code
 03.15.06 - Ducks; Geese; Swans
 24.11.01 - Crowns closed at the top

Serial Number 85800819

Filing Date December 12, 2012

Current Basis 1A

Original Filing Basis 1A

Published for October 15, 2013

Opposition**Registration Number** 4457775**Registration Date** December 31, 2013**Owner** (REGISTRANT) Shapiro, Jared INDIVIDUAL UNITED STATES 2019 5th St #105 Santa Monica CALIFORNIA 90405**Attorney of Record** Luke Brean**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a cartoonish looking face of a pigeon that has a crown on its head. The crown on its head has five points. The pigeon has a double pointed chin. Below the crown in highly stylized small font is the word "COUP" wherein the letters "OUP" are combined with a continuous line.**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

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COUP

Word Mark COUP
Goods and Services IC 025. US 022 039. G & S: Beanies; Belts; Caps; Coats; Gloves; Hats; Pants; Scarfs; Shirts; Shoes; Shorts; Socks; Sweatshirts; T-shirts. FIRST USE: 20091017. FIRST USE IN COMMERCE: 20091017
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85292153
Filing Date April 11, 2011
Current Basis 1A
Original Filing Basis 1A
Published for Opposition August 23, 2011
Registration Number 4052892
Registration Date November 8, 2011
Owner (REGISTRANT) Coup Clothing, LLC LIMITED LIABILITY COMPANY IDAHO 312 Union Street Boise IDAHO 83702

Attorney of Record Robert L. Shaver
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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- | | | | | | | | | | |
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