

ESTTA Tracking number: **ESTTA627163**

Filing date: **09/15/2014**

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    | PRIMARK HOLDINGS                     |             |         |
| Entity  | Company                              | Citizenship | Ireland |
| Address | P.O. Box 644<br>Dublin 1,<br>IRELAND |             |         |

|                      |  |  |  |
|----------------------|--|--|--|
| Attorney information | William C. Wright<br>Epstein Drangel LLP<br>60 East 42nd Street, Suite 2410<br>New York, NY 10165<br>UNITED STATES<br>mail@ipcounselors.com Phone:2122925390 |  |  |
|----------------------|--|--|--|

**Registrations Subject to Cancellation**

|                 |  |                   |            |
|-----------------|--|-------------------|------------|
| Registration No | 3705306  | Registration date | 11/03/2009 |
| Registrant      | Atmosphere NW LLC<br>800 SE Hawthorne<br>Portland, OR 97214<br>UNITED STATES |                   |            |

**Goods/Services Subject to Cancellation**

|   |
|---|
| Class 025. First Use: 1999/00/00 First Use In Commerce: 1999/00/00<br>All goods and services in the class are cancelled, namely: clothing, namely, tee shirts, sweatshirts, hats, jackets, gloves, belts, shortsand shoes |
|---|

**Grounds for Cancellation**

|                 |  |                   |            |
|-----------------|--|-------------------|------------|
| Abandonment     | Trademark Act section 14   |                   |            |
| Registration No | 3075066  | Registration date | 04/04/2006 |
| Registrant      | ATMOSPHERE NW LLC<br>800 SE HAWTHORNE<br>PORTLAND, OR 97214<br>UNITED STATES |                   |            |

**Goods/Services Subject to Cancellation**

|   |
|---|
| Class 025. First Use: 1999/09/00 First Use In Commerce: 1999/10/00<br>All goods and services in the class are cancelled, namely: clothing, namely, tee shirts, sweatshirts, hats, jackets, gloves, belts, shortsand shoes |
|---|

**Grounds for Cancellation**

|             |                          |  |  |
|-------------|--------------------------|--|--|
| Abandonment | Trademark Act section 14 |  |  |
|-------------|--------------------------|--|--|

|             |                                  |
|-------------|----------------------------------|
| Attachments | DOC091514atpet.pdf(78191 bytes ) |
|-------------|----------------------------------|

### **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 | /William C. Wright/ |
| Name      | William C. Wright   |
| Date      | 09/15/2014          |

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
2 TRADEMARK TRIAL AND APPEAL BOARD

3  
4 \_\_\_\_\_ )  
5 PRIMARK HOLDINGS )

6 )  
7 Petitioner, )

Cancellation No.: \_\_\_\_\_

8 v. )  
9 )  
10 )

11 ATMOSPHERE NW )

12 Respondent. )  
13 \_\_\_\_\_ )

14 BOX TTAB FEE

To the Assistant Commissioner for Trademarks:

15 2900 Crystal Drive

16 Arlington, VA 22202-3513

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18  
19 **PETITION FOR CANCELLATION**

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21 In the matter of United States trademark registration of ATMOSPHERE, Reg. No.  
22 3705306, and ATMOSPHERE and Design, Reg. No. 3075066, PRIMARK HOLDINGS, a  
23 company organized and existing under the laws of Ireland, having an address of P.O. Box 644,  
24 Dublin 1, IRELAND (hereinafter "Petitioner"), believes that it is or will be damaged by the  
25 aforesaid registrations and hereby petitions to cancel same.

26  
27 As grounds therefor, it is alleged that:  
28

1           1. On April 22, 2014, Petitioner filed with the United States Patent and Trademark  
2 Office ("USPTO"), 1(b) applications to register three ATMOSPHERE variants marks, Ser. Nos.  
3 86258770, 86258760, and 86258757.  
4

5           2. The Examiner has cited Respondent's trademark registrations of ATMOSPHERE,  
6 Reg. No. 3705306, and ATMOSPHERE and Design, Reg. No. 3075066, against Petitioner's  
7 aforesaid trademark applications.

8           3. Respondent is the owner of record of the United States trademark registrations of  
9 ATMOSPHERE, Reg. No. 3705306, and ATMOSPHERE and Design, Reg. No. 3075066.  
10

11           4. Upon information and belief, Respondent is no longer using in the United States or  
12 in commerce, the trademarks ATMOSPHERE and ATMOSPHERE and Design as reflected,  
13 respectively, in Reg. No. 3705306 and 3075066.

14           5. Upon information and belief, for three years from the date of this Petition,  
15 Respondent has not used in the United States or in commerce, the trademarks ATMOSPHERE and  
16 ATMOSPHERE and Design as reflected, respectively, in Reg. No. 3705306 and 3075066.  
17

18           6. Upon information and belief, Respondent has ceased its use of the trademarks  
19 ATMOSPHERE and ATMOSPHERE and Design as reflected, respectively, in Reg. No. 3705306  
20 and 3075066, with the intention of not resuming such use, and thereby abandoned all rights  
21 therein.  
22

23           7. Respondent's registration of the trademarks ATMOSPHERE and ATMOSPHERE  
24 and Design as reflected, respectively, in Reg. No. 3705306 and 3075066, is inconsistent with  
25 Petitioner's right to use and register its mark ATMOSPHERE variant marks, as reflected in Ser.  
26 Nos. 86258770, 86258760, and 86258757, and said registrations may be used in an unfair manner  
27  
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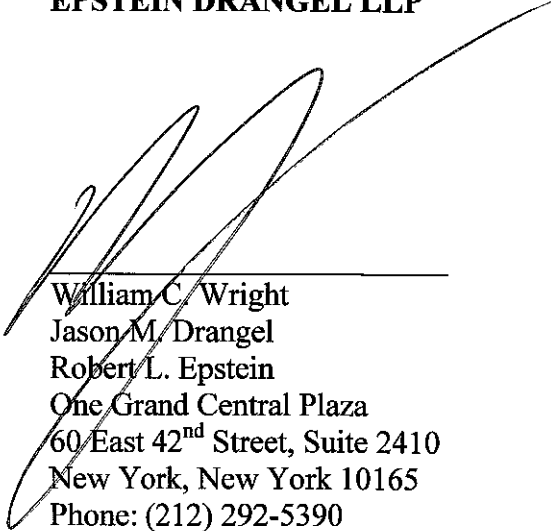
1 by Respondent as a basis for threatening Petitioner's lawful use and registration of its  
2 aforementioned trademarks.

3           **WHEREFORE**, Petitioner prays for cancellation of the United States trademark  
4 registrations of ATMOSPHERE, Reg. No. 3705306, and ATMOSPHERE and Design, Reg. No.  
5 3075066, and also requests that it be granted such further relief as the Trademark Trial and Appeal  
6 Board may deem necessary and just.  
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**EPSTEIN DRANGEL LLP**

Dated: September 15, 2014

By:   
\_\_\_\_\_  
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Jason M. Drangel  
Robert L. Epstein  
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CERTIFICATE OF SERVICE

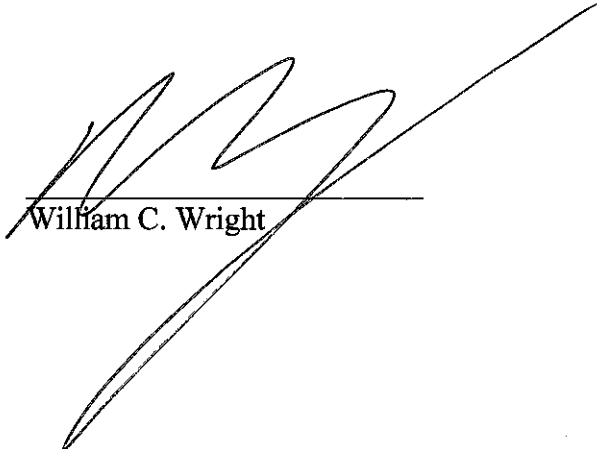
I hereby certify that a true and complete copy of the foregoing Petition for Cancellation was served by First Class Mail, with sufficient postage prepaid, on this 15<sup>th</sup> day of September, 2014, upon Registrant's attorney or record:

JAMES E. GERINGER  
KLARQUIST SPARKMAN, LLP  
121 SW SALMON ST., STE. 1600  
PORTLAND, OREGON 97204-2988

and

ATMOSPHERE NW LLC  
800 SE HAWTHORNE  
PORTLAND, OREGON 97214

By:

  
\_\_\_\_\_  
William C. Wright