

ESTTA Tracking number: **ESTTA655287**

Filing date: **02/11/2015**

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	Planar Systems, Inc.		
Entity	Corporation	Citizenship	Oregon
Address	1195 NE Compton Drive Beaverton, OR 97006 UNITED STATES		

Attorney information	Anne W. Glazer Stoel Rives LLP 900 SW Fifth Ave. Suite 2600 Portland, OR 97204 UNITED STATES anne.glazer@stoel.com, andrea.jasinek@stoel.com, docketclerk@stoel.com Phone:503-294-9584
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Registration Subject to Cancellation

Registration No	3637131	Registration date	06/09/2009
Registrant	WESTINGHOUSE DIGITAL, LLC 500 N. STATE COLLEGE BOULEVARD ORANGE, CA 92868 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2006/06/01 First Use In Commerce: 2006/06/01 All goods and services in the class are cancelled, namely: LCD televisions, televisions, projection televisions; liquid crystal display panels, liquid crystal display televisions, plasma televisions, DLP televisions, micro televisions; television receivers, television tuners; television tubes, namely, cathode ray tubes; television monitors with or without television tuners

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel MOSAICVIEW Mark.pdf(299042 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	/Anne W. Glazer/
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Name	Anne W. Glazer
Date	02/11/2015

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

Planar Systems, Inc.)	Registration No. 3,637,131
)	
)	For the mark:
Petitioner,)	
v.)	MOSAICVIEW
)	
Westinghouse Digital, LLC)	
)	Registered on June 9, 2009
Registrant.)	

PETITION TO CANCEL

Planar Systems, Inc., an Oregon corporation with an address at 1195 NE Compton Drive Beaverton, Oregon 97006 (“Petitioner”), believes that it has been and will continue to be damaged by Registration No. 3,637,131 owned by Westinghouse Digital, LLC, a Delaware limited liability company, that, on information and belief, was last located at 500 N. State College Boulevard, Suite 1300, Orange, California 92868 (“Registrant”), and hereby petitions for cancellation of the same.

GROUNDS FOR CANCELLATION

As grounds for cancellation, Petitioner alleges the following:

1. On March 8, 2011, the U.S. Patent and Trademark Office issued to Registrant U.S. Registration No. 3,637,131 (the “Registration”) for MOSAICVIEW (the “Registered Mark”) on the Supplemental Register in connection with “LCD televisions, televisions, projection televisions; liquid crystal display panels, liquid crystal display televisions, plasma televisions, DLP televisions, micro televisions; television receivers, television tuners; television tubes, namely, cathode ray tubes; television monitors with or without television tuners” in International Class 9. A true and correct copy of a print-out from the U.S. Patent and

Trademark Office's electronic database records showing the current status and title of the Registration is attached as Exhibit A.

2. The Registration was issued under Section 1(a) of the Trademark Act.

3. Petitioner is in the business of marketing and selling electronic displays.

4. Petitioner has been using the mark MOSAIC in connection with electronic displays since June 30, 2012.

5. On April 21, 2014, Petitioner filed with the U.S. Patent and Trademark Office an application, Serial No. 86/257,756, to register the mark MOSAIC ("Petitioner's Mark") for "Electronic displays, namely, flat panel display screens, LED displays, LCD displays" in International Class 9, based on use in commerce.

6. On August 15, 2014, the U.S. Patent and Trademark Office issued an Office Action, refusing registration to Petitioner's Mark on the ground of likelihood of confusion with the Registered Mark.

7. Registration of the Registered Mark has acted as a bar to prevent Petitioner from registering Petitioner's Mark and impairs Petitioner's future expansion of Petitioner's business.

8. Upon information and belief, Registrant has permanently ceased all use of the Registered Mark, and has no intention to resume use of the Registered Mark, in connection with the Class 9 goods identified in the Registration.

9. Petitioner has been damaged and will continue to be damaged if the Registration is permitted to remain on the Supplemental Register because the Registration stands as a bar to Petitioner's ability to federally register and protect its MOSAIC mark for the goods identified in paragraph 5 above.

10. Petitioner contacted Mary Dalton Baril, the correspondent of record, on November 13, 2014 to inquire about Registrant's use of the Registered Mark. On December 5, 2014, Ms. Baril responded that she no longer represented Registrant in trademark matters and did not know who did.

11. On December 11, 2014, Petitioner attempted to contact Registrant regarding the Registered Mark by sending a certified letter to the address of record with the U.S. Patent and Trademark Office. The letter was returned to attorney for Petitioner on December 30, 2014, as undeliverable.

12. Petitioner searched the channels through which the relevant goods are ordinarily provided but has been unable to locate any indication that the mark has been used during the prior five years.

13. Upon information and belief, because of the facts set forth above, and because Registrant has failed to use the Registered Mark in commerce and has no intention to resume use of the Registered Mark, Registrant has abandoned the Registered Mark within the meaning of 15 U.S.C. §§ 1064(3) and 1127.

14. By virtue of the foregoing, if the Registered Mark is permitted to remain on the Supplemental Register, Petitioner will be damaged, including its inability to secure a registration for its MOSAIC mark, and Registrant will enjoy unlawful gain an advantage to which it is not entitled under the Lanham Act, 15 U.S.C. §§ 1051, *et seq.*

CONCLUSION

15. Petitioner is damaged and will continue to be damaged because the continued existence of the Registration stands as a bar to Petitioner's ability to federally register and protect its MOSAIC mark, and casts a cloud upon Petitioner's right to enjoy the free and exclusive use thereof in connection with the sale of its goods.

16. WHEREFORE, Petitioner respectfully requests that this Petition be granted and that Registration No. 3,637,131 be canceled pursuant to 15 U.S.C. § 1064.

Dated: February 11, 2015

Respectfully submitted,

s/Anne W. Glazer/
Anne W. Glazer
Attorney for Petitioner
STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, Oregon 97204-1268
(503) 294-9584

CERTIFICATE OF SERVICE

This will hereby certify that a copy of the foregoing PETITION TO CANCEL has been served on Registrant and Registrant's attorney on the 11th day of February, 2015, by transmitting copies thereof via U.S. First Class Mail, postage prepaid, as follows:

WESTINGHOUSE DIGITAL, LLC
500 N. State College Boulevard
Suite 1300
Orange, California 92868
United States

Registrant

Mary D. Baril
McGuireWoods LLP
901 East Cary Street
One James Center
Richmond, Virginia 23219-4030

Registrant's Attorney

s/Anne W. Glazer/
Anne W. Glazer

Of Attorneys for Petitioner, Planar Systems, Inc.

EXHIBIT A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,637,131

United States Patent and Trademark Office

Registered June 9, 2009

**TRADEMARK
SUPPLEMENTAL REGISTER**

MosaicView

WESTINGHOUSE DIGITAL ELECTRONICS, LLC
(CALIFORNIA LIMITED LIABILITY COMPAN-
NY)

12150 MORA DRIVE
SANTA FE SPRINGS, CA 90670

FOR: LCD TELEVISIONS, TELEVISIONS, PRO-
JECTION TELEVISIONS; LIQUID CRYSTAL DIS-
PLAY PANELS, LIQUID CRYSTAL DISPLAY
TELEVISIONS, PLASMA TELEVISIONS, DLP TELE-
VISIONS, MICRO TELEVISIONS; TELEVISION RE-
CEIVERS, TELEVISION TUNERS; TELEVISION
TUBES, NAMELY, CATHODE RAY TUBES; TELE-
VISION MONITORS WITH OR WITHOUT TELEVI-

SION TUNERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36
AND 38).

FIRST USE 6-1-2006; IN COMMERCE 6-1-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-844,215, FILED P.R. 3-23-2006; AM. S.R.
6-23-2008.

REBECCA POVARCHUK, EXAMINING ATTOR-
NEY



Trademark Status & Document Retrieval (TSDR) ?

SEARCH	MULTI-SEARCH ?
US Serial No	78844215
Status	Documents

Status results found

STATUS	DOCUMENTS ?	Download ▲	Print Preview
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Mark: MOSAICVIEW

MosaicView

US Serial Number: 78844215

Application Filing Date: Mar. 23, 2006

US Registration Number: 3637131

Registration Date: Jun. 09, 2009

Register: Supplemental

Mark Type: Trademark

Amended to Principal Register: No

Date Amended to Current Register: Jun. 23, 2008

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jun. 09, 2009

Mark Information

▲ Collapse All

Mark Literal Elements: MOSAICVIEW

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: LCD televisions, televisions, projection televisions; liquid crystal display panels, liquid crystal display televisions, plasma televisions, DLP televisions, micro televisions; television receivers, television tuners; television tubes, namely, cathode ray tubes; television monitors with or without television tuners

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2006

Use in Commerce: Jun. 01, 2006

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: WESTINGHOUSE DIGITAL, LLC

Owner Address: 500 N. STATE COLLEGE BOULEVARD
SUITE 1300
ORANGE, CALIFORNIA 92868
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mary D. Baril

Attorney Primary Email
Address: trademarks@mcguirewoods.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Mary D. Baril
McGuireWoods LLP
901 East Cary Street
One James Center
Richmond, VIRGINIA 23219-4030
UNITED STATES

Phone: 804-775-1169

Fax: 804-698-2009

Correspondent e-mail: trademarks@mcguirewoods.com

Correspondent e-mail
Authorized: Yes

Domestic Representative - Not Found

▼ Prosecution History

Date	Description	Proceeding Number
Apr. 02, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 31, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 31, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 07, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 06, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 13, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 09, 2009	REGISTERED-SUPPLEMENTAL REGISTER	
May 04, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
May 04, 2009	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Jun. 25, 2008	USE AMENDMENT ACCEPTED	82425
Jun. 24, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 23, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 23, 2008	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jun. 24, 2008	AMENDMENT TO USE PROCESSING COMPLETE	88889
Jun. 24, 2008	USE AMENDMENT FILED	88889
Jun. 23, 2008	TEAS AMENDMENT OF USE RECEIVED	
Dec. 21, 2007	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 21, 2007	FINAL REFUSAL E-MAILED	
Dec. 21, 2007	FINAL REFUSAL WRITTEN	82425
Dec. 04, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 03, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 03, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 11, 2007	ASSIGNED TO EXAMINER	82425
Jun. 01, 2007	NON-FINAL ACTION E-MAILED	6325
Jun. 01, 2007	NON-FINAL ACTION WRITTEN	76612
May 10, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	76243
May 10, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	76243
May 10, 2007	ASSIGNED TO LIE	76243
Apr. 17, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 30, 2007	NON-FINAL ACTION E-MAILED	6325
Jan. 30, 2007	NON-FINAL ACTION WRITTEN	76612
Dec. 28, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 27, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 27, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 29, 2006	NON-FINAL ACTION E-MAILED	6325

Jun. 29, 2006	NON-FINAL ACTION WRITTEN	76612
Jun. 23, 2006	ASSIGNED TO EXAMINER	76612
Mar. 29, 2006	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 09, 2009

▼ **Assignment Abstract Of Title Information - Click to Load**

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