

ESTTA Tracking number: **ESTTA711317**

Filing date: **11/30/2015**

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	Recreational Equipment, Inc.		
Entity	Corporation	Citizenship	Washington
Address	6750 South 228th Street Kent, WA 98032 UNITED STATES		

Attorney information	Cindy L. Caditz Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 Seattle, WA 98101 UNITED STATES seatm@dwt.com, mmoersfelder@dwt.com, cindycaditz@dwt.com, ronrutherford@dwt.com Phone:206.757.8014
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Registration Subject to Cancellation

Registration No	4112776	Registration date	03/13/2012
Registrant	ORKA TEKSTIL SANAYI VE TURIZM TICARET ANONIM SIRKETI Gursel Mahallesi, Yalim Sokak No:5 OKMEYDANI, ISTANBUL, TURKEY		

Goods/Services Subject to Cancellation

Class 025. First Use: 2011/10/26 First Use In Commerce: 2011/10/26 All goods and services in the class are cancelled, namely: Clothing, namely, trousers, jackets, overcoats, coats, skirts, suits, jerseys, waistcoats, shirts, T-shirts, sweatshirts, dresses, bermuda shorts, shorts, pajamas, pullovers, jeans, tracksuits, rainwear, beachwear, bathing suits, swimming suits; clothing exclusively for sports, namely, shirts, pants, coats, dresses; clothing for babies, namely, shirts, pants, coats, dresses; underclothing, namely, boxer shorts, brassieres, briefs, pants, socks; footwear, namely, shoes excluding orthopedic shoes, sandals, waterproof boots, walking boots, bootees, sporting shoes, slippers; shoe parts, namely, heelpieces, insoles for footwear, footwear uppers; headgear, namely, caps, skull caps, sports caps, hats, berets; clothing, namely, gloves, stockings, belts, camisoles, sarongs, scarves, neck scarves, shawls, collars, neckties, ties, suspender belts
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation - ADV.pdf(22858 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	/MEM/
Name	Matthew E. Moersfelder
Date	11/30/2015

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

7 RECREATIONAL EQUIPMENT, INC., a
8 Washington corporation,

9 Petitioner,

10 v.

11 ORKA TEKSTIL SANAYI VE TURIZM
12 TICARET ANONIM SIRKETI, a Turkish
13 corporation,

14 Registrant.

Cancellation No.

Registration No. 4,112,776

PETITION FOR
CANCELLATION

15 TO THE COMMISSIONER FOR TRADEMARKS
16 TRADEMARK TRIAL AND APPEAL BOARD:

17 Recreational Equipment, Inc., a corporation of the State of Washington, petitions the
18 Board for an order canceling U.S. Registration No. 4,112,776. As grounds for cancellation,
19 Petitioner alleges as follows, with knowledge as to its own action and on information and belief
20 for all other allegations:

21 1. Recreational Equipment, Inc. is incorporated under the laws of the State of
22 Washington, having an address at 6750 South 228th Street, Kent, Washington 98032, United
23 States (hereinafter "Petitioner").

24 2. Registrant Orka Tekstil Sanayi Ve Turizm Ticaret Anonim Sirketi is incorporated
25 under the laws of Turkey, having an address on record at Gursel Mahallesi, Yalim Sokak No:5,
26 Okmeydani, Istanbul, Turkey ("Registrant").
27

1 3. Registrant is identified as the owner of United States Registration No. 4,112,776
2 (the "Registration") for the mark ADV for use in connection with goods in International Class
3 25. The Registration issued on March 13, 2012, and this Petition is timely under 15 U.S.C. §
4 1064(1).

5 4. Registrant has abandoned its rights in the mark ADV in that Registrant has ceased
6 use of the mark ADV and does not intend to resume any use of the mark in the future.

7 5. Petitioner is damaged by the Registration insofar as the registration is *prima facie*
8 evidence of the validity of Registrant's ownership and exclusive right to use the mark ADV for
9 the goods claimed by the Registration when, in fact, Registrant is not entitled to those rights
10 because Registrant has abandoned the mark ADV. As a result the Registration damages
11 Petitioner's ability to use, register and enforce its mark including or comprised of ADV.

12 6. Based upon the foregoing, Registration No. 4,112,776, issued March 13, 2012, is
13 causing injury and damage to Petitioner.

14 7. Petitioner has served a copy of this Petition upon Registrant consistent with the
15 requirements of 37 C.F.R. § 2.111 and 37 C.F.R. § 2.119 by mailing a copy to Registrant at the
16 address on file with the U.S. Patent and Trademark Office:

17 Orka Tekstil Sanayi Ve Turizm Ticaret Anonim Sirketi
18 Gursel Mahallesi, Yalim Sokak No:5
19 Okmeydani, Istanbul
20 TURKEY

21 and to Registrant's Attorney of Record:

22 John S. Egbert, Esq
23 Egbert Law Office
24 412 Main Street
25 Floor 7
26 Houston, Texas 77002

27 8. WHEREFORE, Petitioner respectfully requests that Registration No. 4,112,776
be cancelled for all goods under Section 14 of the Lanham Act, 15 U.S.C. § 1064(3), and that
this Cancellation be sustained.

1 Please charge the filing fee of US \$300.00 to Deposit Account No. 04-0258 of
2 Petitioner's counsel noted below.

3 Please direct all correspondence to Cindy L. Caditz or Matthew E. Moersfelder of Davis
4 Wright Tremaine LLP at the following address:

5 Cindy Caditz
6 Matthew E. Moersfelder
7 Davis Wright Tremaine LLP
8 1201 Third Ave, Suite 2200
9 Seattle, Washington 98101

10 Please direct all telephone calls to Cindy Caditz at 206-757-8097 or Matthew E.
11 Moersfelder at 206-757-8014.

12 DATED this 30th day of November, 2015.

13 Davis Wright Tremaine LLP
14 Attorneys for RECREATIONAL EQUIPMENT INC.

15 By s/Matthew E. Moersfelder
16 Cindy L. Caditz
17 Matthew E. Moersfelder
18 1201 Third Ave, Suite 2200
19 Seattle, Washington 98101
20 Tel: 206-757-8014
21 Fax: 206-757-7014
22 Email: cindycaditz@dwt.com
23 mmoersfelder@dwt.com

1 **CERTIFICATE OF FILING**

2 I hereby certify that this PETITION FOR CANCELLATION of U.S. Trademark
3 Registration No. 4,112,776 is being filed with the Trademark Trial and Appeal Board using the
4 ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

5 Date: November 30, 2015 s/Matthew E. Moersfelder

6 **CERTIFICATE OF SERVICE**

7 I hereby certify that this PETITION FOR CANCELLATION of U.S. Trademark
8 Registration No. 4,112,776 is being duly served upon the Registrant and Registrant’s Attorney of
9 Record by mailing copies thereof via the U.S. Postal Service in sealed envelopes as first-class
10 mail with postage thereupon fully prepaid and addressed to the following address:

11 Orka Tekstil Sanayi Ve Turizm Ticaret Anonim Sirketi
12 Gursel Mahallesi, Yalim Sokak No:5
13 Okmeydani, Istanbul
14 TURKEY

15 and

16 John S. Egbert, Esq
17 Egbert Law Office
18 412 Main Street
19 Floor 7
20 Houston, Texas 77002

21 Date: November 30, 2015 s/Ron Rutherford