

ESTTA Tracking number: **ESTTA723339**

Filing date: **01/28/2016**

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	Flip Shop Marketing LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	1165 Bay Street, Suite #6 San Francisco, CA 94123 UNITED STATES		

Attorney information	Brian M. Davis VLP Law Group LLP 5960 Fairview Rd; Suite 400 Charlotte, NC 28210 UNITED STATES bdavis@vlpawgroup.com Phone:7042456515		
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Registration Subject to Cancellation

Registration No	4633046	Registration date	11/04/2014
Registrant	FlipShop, Inc. 1811 Wilmington, DE 198104345 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2013/01/04 First Use In Commerce: 2013/01/04 All goods and services in the class are cancelled, namely: Computer e-commerce software to allow users to perform electronic business transactions via a global computer network; enterprise software in the nature of an interactive database for non-transactional data and a search engine for data-basecontent which enables users to obtain and share product or service information and opinions
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	FLIP SHOP PETITION FOR CANCELLATION.pdf(40637 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 Overnight Courier on this date.

Signature	/Brian M. Davis/
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Name	Brian M. Davis
Date	01/28/2016

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

Flip Shop Marketing LLC,
Petitioner

Cancellation No.: _____
US Reg. No.: 4,633,046

vs.

FlipShop, Inc.,
Respondent

Mark: **FLIPSHOP**

PETITION FOR CANCELLATION

Box TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Flip Shop Marketing LLC ("Petitioner"), a limited liability company organized under the laws of Delaware with an address at 1165 Bay Street, Suite #6, San Francisco, California 94123, believes that it has been and will continue to be injured by the presence on the Principal Register of U.S. Registration No. 4,633,046 for the mark FLIPSHOP (hereafter referred to as the "FLIPSHOP Registration"). Accordingly, Petitioner hereby applies for cancellation of the FLIPSHOP Registration.

According to the U.S. Patent and Trademark Office records, the name and address of the current owner of the subject registration is FlipShop, Inc. ("Respondent"), 1811 Silverside Road, Wilmington, Delaware 19810-4345.

As grounds for cancellation, Petitioner alleges:

1. On June 4, 2015, Petitioner filed Application Serial No. 86/651,982 to register the mark FLIP SHOP for "Downloadable software in the nature of a mobile application platform for use by retailers that allows the user to search for, purchase and review products, receive product recommendations, use photographs to search for similar products, and to store payment and contact information" in International Class 9 and "Design and development of computer software applications for retailers" in International Class 42 based on its intent-to-use the mark in association with such goods and services. Petitioner's application has been refused

registration in an Office Action dated September 21, 2015 based on an alleged likelihood of confusion with the FLIPSHOP Registration that covers “Computer e-commerce software to allow users to perform electronic business transactions via a global computer network; enterprise software in the nature of an interactive database for non-transactional data and a search engine for database content which enables users to obtain and share product or service information and opinions” in Int. Class 9.

2. Upon information and belief, Respondent ceased bona fide use of the mark that is the subject of the FLIPSHOP Registration in the United States in connection with the goods covered by the FLIPSHOP Registration in the ordinary course of trade with no intent to resume use of the mark on such goods.
3. Upon information and belief, Respondent has abandoned the mark that is the subject of the FLIPSHOP Registration in the United States, as the term “abandonment” is defined in 15 U.S.C. § 1127, and therefore Respondent requests cancellation of the FLIPSHOP Registration pursuant to 15 U.S.C. § 1064(3).
4. As a result of the foregoing, Petitioner is and will be damaged by the continued presence of the FLIPSHOP Registration on the Principal Register.

WHEREFORE, Petitioner prays that Registration Reg. No. 4,633,046 be canceled pursuant to 15 U.S.C. § 1064.

Respectfully submitted,

/Brian M. Davis/

Brian M. Davis

VLP Law Group LLP
5960 Fairview Road
Suite 400
Charlotte, North Carolina 28210
Telephone: (704) 245-6515

ELECTRONIC MAILING CERTIFICATE

I hereby certify that the PETITION FOR CANCELLATION is being submitted electronically through the Electronic System for the Trademark Trial and Appeal Board (ESTTA) on this 28th day of January, 2016.

/Brian M. Davis/
Brian M. Davis
VLP Law Group LLP

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing PETITION FOR CANCELLATION to be deposited with an overnight courier this 28th day of January, 2016 in an envelope addressed to the correspondence address of record in the United States Patent and Trademark Office for the subject registration set out below.

HARSHA CHALLA
PUCCINI DRIVE
557
SUNNYVALE, CALIFORNIA 94087

/Brian M. Davis/
Brian M. Davis
VLP Law Group LLP