

ESTTA Tracking number: **ESTTA733088**

Filing date: **03/12/2016**

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	Craig Hennebry		
Entity	Individual	Citizenship	NEW ZEALAND
Address	283 Te Rapa Road Beerescourt Hamilton, 3200 NEW ZEALAND		

Attorney information	Randy Michels Trust Tree Legal, P.C. 1321 Adams Street Nashville, TN 37208 UNITED STATES randy@trust-tree.com Phone:6159331976		
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Registration Subject to Cancellation

Registration No	3609087	Registration date	04/21/2009
Registrant	PRIME TIME IINTERNATIONAL DISTRIBUTING,INC. 2019 WEST LONE CACTUS DRIVE PHOENIX, AZ 85027 UNITED STATES		

Goods/Services Subject to Cancellation

Class 034. First Use: 2007/04/27 First Use In Commerce: 2007/04/27 All goods and services in the class are cancelled, namely: CIGARS

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel.pdf(80414 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	/Randy Michels/
Name	Randy Michels
Date	03/12/2016

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

Craig Hennebry,)	
)	
Petitioner)	
)	
v.)	Cancellation No. _____
)	U.S. Registration No. 3,609,087
Prime Time International Distributing, Inc.)	
)	
Registrant)	
_____)	

PETITION TO CANCEL

Craig Hennebry, a New Zealand resident with an address of 283 Te Rapa Road, Beerescourt; Hamilton 3200 New Zealand (hereinafter “Petitioner”), believes that he is damaged by the continued registration of the trademark shown in U.S. Registration No. 3,609,087 and hereby petitions for cancellation of that registration.

As grounds for cancellation, Petitioner submits the following:

1. Petitioner seeks cancellation of U.S. Registration No. 3,609,087 for the mark BULLSEYE for use in connection with cigars in International Class 34 (the “Registered Mark”).
2. The Registered Mark issued on April 21, 2009 on an application based on §1 of the Lanham Act by Single Stick, Inc.
3. According to the online records of the U.S. Patent and Trademark Office, the current owner of the Registered Mark is Prime Time International Distributing, Inc., a Wyoming corporation located at 2019 West Lone Cactus Drive, Phoenix, Arizona 85027 (“Registrant”).

4. On information and belief, Registrant filed for bankruptcy and is no longer an active entity.

5. On information and belief, Registrant has abandoned the Registered Mark within the meaning of Section 45 of the Trademark Act, 15 U.S.C. § 1127, at least in that Registrant has ceased use of the Registered Mark in the United States and has no intention to resume use of the Registered Mark in the United States in the future.

6. The Registered Mark should therefore be cancelled in accordance with Section 14 of the Trademark Act, 15 U.S.C. § 1064.

7. On May 03, 2015, Petitioner filed an application for registration of his mark BULLS-EYE for use in connection with the following goods in International Class 34: Paper filters for cigarettes; cigarette filters; tobacco filters, namely, tobacco smoke filters other than of precious metal; filter filaments for cigarettes, namely tobacco filters, tobacco tubes, filter tips; filter band in the nature of filter tow for cigarettes, namely tobacco filters, tobacco tubes, filter tips; tobacco filters in the nature of holders, namely, cigarette holders; cigarette paper tubes incorporating filter tips; papers for cigarettes; cigarette paper; books of cigarette papers; absorbent paper for tobacco, namely, cigarette paper; apparatus for filling cigarettes, namely, cigarette rolling machines, packet apparatus for rolling cigarettes; tobacco products, namely, tobacco tins, tobacco pouches, tobacco but not cigars and cigar cutters (U.S. Application Serial No. 79/165,976).

8. In an Office Action dated September 28, 2015, the trademark examining attorney refused registration of Petitioner's application due to a likelihood of confusion with the Registered Mark.

9. The continued registration of the Registered Mark would be in derogation of Petitioner's rights in his mark and thereby cause damage and injury to Petitioner.

WHEREFORE, Petitioner believes that he would be damaged by the continued registration of the Registered Mark and requests that U.S. Trademark Registration No. 3,609,087 be cancelled from the Register.

Dated: March 12, 2016

Respectfully submitted,

s/Randy Michels

Randy Michels

TRUST TREE LEGAL, P.C.

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Nashville, TN 37208

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Email: randy@trust-tree.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition to Cancel has been served on both Prime Time International Distributing, Inc. and its counsel of record by mailing said copy on March 12, 2016, via First Class Mail, postage prepaid to:

Prime Time International Distributing, Inc.
2019 West Lone Cactus Drive
Phoenix, Arizona 85027

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s/Randy Michels
Attorney for Petitioner