

ESTTA Tracking number: **ESTTA738046**

Filing date: **04/05/2016**

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	Artist Hand LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	489 Washington Boulevard Venice, CA 90291 UNITED STATES		

Attorney information	Jennifer L. Dean Drinker Biddle & Reath LLP 1500 K Street, N.W., Suite 1100 Washington, DC 20005-1209 UNITED STATES tmlitdocket@dbr.com, dctrademarks@dbr.com, jennifer.dean@dbr.com, tore.debella@dbr.com, brian.coleman@dbr.com Phone:202-842-8800		
----------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

Registration Subject to Cancellation

Registration No	3836095	Registration date	08/17/2010
Registrant	Backcountry.com, Inc. 1678 West Redstone Center Drive Park City, UT 84098 UNITED STATES		

Goods/Services Subject to Cancellation

<p>Class 035. First Use: 2009/11/11 First Use In Commerce: 2009/11/11 All goods and services in the class are cancelled, namely: Retail store services and computerized on-line retail store services featuring men's and women's clothing, headwear, footwear, outerwear, eye-wear, heart rate monitors, altimeters and accessories, namely, watches and compasses, tote bags, ski equipment, namely, skis and ski boots, helmets, goggles, and poles, snowboard equipment, namely, snowboards and snowboard bindings, boots, helmets, and gloves, snowshoes, avalanche safety equipment, namely, avalanche probes, beacons, and shovels, tents, sleeping bags, sleeping-pads, kayaks, canoes, paddles, and related accessories, namely, spray skirts for kayaks, life jackets, dry bags, wall racks for hanging canoes and kayaks, and back rests, camping, hiking, and mountain climbing equipment, namely, climbing harnesses, climbing helmets, bags for storing and hauling climbing ropes, belay, and rappel devices, rock-climbing shoes, climbing ropes, carabineers, and chalk and chalk bags for rock-climbing, food and related accessories, namely, water purifiers, coolers, bags for food storage, pots, pans, bowls, and eating utensils, luggage and equipment car racks and related accessories, namely, adaptors and attachments for mounting the racks, watches, audio accessories, road and mountain bike equipment, namely, bikes and bike frames, forks, wheels, tires, helmets, repair and maintenance kits, suspensions, lights, bags and cases, books, videos, tools, lubricants, pumps, tubes, brakes, drive trains, headsets, shifters, saddles, seat posts, training equipment, locks, wheels, wheel sets, and watches, hydration packs, nutrition and body care products, bike clothing, namely, tights, jackets, pants, jerseys, shorts, bibs, shirts, gloves, hats, socks, warmers, and shoes, skateboards and accessories, namely, long boards, skateboards, and skateboarding pads, hats, shoes, DVDs, ramps, rails, backpacks, bearings, risers, decks, mini decks, trucks, bushings, and wheels, surf equipment, namely, surfboards, skim boards, hybrid surfboards, and surfboard</p>

racks, straps, pads, wetsuits, DVDs, wax, fins, leashes, traction pads, bags, and wetsuit bags, booties, rash guards, spring suits, and gloves; the dissemination of advertising for others via an online electronic communication network; and promoting the goods and services of others by preparing and placing advertisements on a web site accessed through a global computer network

Grounds for Cancellation

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

Attachments	Final Petition to Cancel DEPARTMENT OF GOODS (Backcountry.com, Inc.).pdf(449536 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	/tore t. debella/
Name	Tore T. DeBella
Date	04/05/2016

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

In re Reg. No. 3,836,095 – DEPARTMENT OF GOODS

Registered: August 17, 2010

ARTIST HAND LLC, :

Petitioner, :

v. :

Cancellation No. _____

BACKCOUNTRY.COM, INC., :

Respondent. :

PETITION TO CANCEL

Artist Hand LLC, a Delaware LLC, having a principal business address at 489 Washington Boulevard, Venice, California 90291 ("Petitioner"), believes and asserts that it is being damaged by the registration of Reg. No. 3,836,095 – DEPARTMENT OF GOODS; registered August 17, 2010 by Backcountry.com, Inc., a Utah Corporation, having a principal business address at 1678 West Redstone Center Drive, Park City, Utah 84098 ("Respondent"); and hereby petitions to cancel the same pursuant to §14 of the Trademark Act of 1946 (15 U.S.C. §1064).

As grounds for cancellation, it is alleged that:

1. Respondent is the record owner of Reg. No. 3,836,095 – DEPARTMENT OF GOODS for "Retail store services and computerized on-line retail store services featuring men's and women's clothing, headwear, footwear, outerwear, eyewear, heart rate monitors, altimeters and accessories, namely, watches and compasses, tote bags, ski equipment, namely, skis and ski boots, helmets, goggles, and poles, snowboard equipment, namely, snowboards and snowboard bindings, boots, helmets, and gloves, snowshoes, avalanche safety equipment, namely, avalanche probes, beacons, and shovels, tents, sleeping bags, sleeping pads, kayaks, canoes, paddles, and related

accessories, namely, spray skirts for kayaks, life jackets, dry bags, wall racks for hanging canoes and kayaks, and back rests, camping, hiking, and mountain climbing equipment, namely, climbing harnesses, climbing helmets, bags for storing and hauling climbing ropes, belay, and rappel devices, rock-climbing shoes, climbing ropes, carabineers, and chalk and chalk bags for rock-climbing, food and related accessories, namely, water purifiers, coolers, bags for food storage, pots, pans, bowls, and eating utensils, luggage and equipment car racks and related accessories, namely, adaptors and attachments for mounting the racks, watches, audio accessories, road and mountain bike equipment, namely, bikes and bike frames, forks, wheels, tires, helmets, repair and maintenance kits, suspensions, lights, bags and cases, books, videos, tools, lubricants, pumps, tubes, brakes, drive trains, headsets, shifters, saddles, seat posts, training equipment, locks, wheels, wheel sets, and watches, hydration packs, nutrition and body care products, bike clothing, namely, tights, jackets, pants, jerseys, shorts, bibs, shirts, gloves, hats, socks, warmers, and shoes, skateboards and accessories, namely, long boards, skateboards, and skateboarding pads, hats, shoes, DVDs, ramps, rails, backpacks, bearings, risers, decks, mini decks, trucks, bushings, and wheels, surf equipment, namely, surfboards, skim boards, hybrid surfboards, and surfboard racks, straps, pads, wetsuits, DVDs, wax, fins, leashes, traction pads, bags, and wetsuit bags, booties, rash guards, spring suits, and gloves; the dissemination of advertising for others via an on-line electronic communication network; and promoting the goods and services of others by preparing and placing advertisements on a web site accessed through a global computer network” in Class 35; registered August 17, 2010.

2. Petitioner possesses a bona fide intent to use, and has applied to register in the United States Patent and Trademark Office, the mark DEPT. OF GOOD for a wide variety of goods and services in Classes 9, 25, 35, 36, and 42. Petitioner’s Class 35 application, by way of example only, covers “Retail department stores; wholesale services in the field of goods sold in

department stores; providing incentive award programs to customers through issuance of charitable donations for purchases of goods and services; incentive award programs to promote the sale of products and services of others; marketing services; providing business information regarding charitable or humanitarian organizations” in Class 35.

3. Petitioner believes registration of Petitioner’s intent-to-use applications will be refused in view of Respondent’s Reg. No. 3,836,095 – DEPARTMENT OF GOODS.

4. On information and belief, Respondent has discontinued the use of DEPARTMENT OF GOODS in connection with the services listed in Reg. No. 3,836,095 with intent not to resume the use thereof.

5. For the reasons set forth in ¶¶ 1-4, Petitioner believes and asserts that it is being damaged by the continued registration of Reg. No. 3,836,095. Accordingly, Petitioner prays that this Petition be granted, and that Reg. No. 3,836,095 – DEPARTMENT OF GOODS be cancelled.

The filing fee for this Petition to Cancel is being paid electronically. If for any reason the electronic payment is rejected, or if additional fees are required, please charge them to the deposit account of the undersigned, No. 50-0573.

Respectfully submitted,

Artist Hand LLC



By:

Jennifer L. Dean
Tore T. DeBella
Brian A. Coleman
Drinker Biddle & Reath LLP
1500 K Street, N.W., Suite 1100
Washington D.C. 20005-1209
Phone: (202) 842-8800
Fax: (202) 842-8465
Attorneys for Petitioner

April 5, 2016

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition to Cancel was served on the Respondent at the following address of record, by First Class Mail this 5 day of April, 2016.

Backcountry.com, Inc.
1678 West Redstone Center Drive
Park City, Utah 84098


