

ESTTA Tracking number: **ESTTA753761**

Filing date: **06/21/2016**

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	WIMO LABS, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	939 W. Lake Street Chicago, IL 60607 UNITED STATES		

Attorney information	Mike R. Turner NEAL, GERBER & EISENBERG, LLP 2 North LaSalle Street, Suite 1700 Chicago, IL 60602 UNITED STATES mturner@ngelaw.com, afraker@ngelaw.com, temanuelson@ngelaw.com, dciecierski@ngelaw.com, ECFDocket@ngelaw.com Phone:312.269.8000		
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### Registration Subject to Cancellation

Registration No	4303455	Registration date	03/19/2013
International Registration No.	NONE	International Registration Date	NONE
Registrant	ARRO Co., Ltd. Anyang-si  KOREA, REPUBLIC OF		

### Goods/Services Subject to Cancellation

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Cases for mobile phones
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Graphic arts designing

### Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition to Cancel EPICASE.pdf(11306 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	/Mike Turner/
Name	Mike R. Turner
Date	06/21/2016

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

In the Matter of Registration No. 4,303,455	)	
	)	
Mark: EPICASE (Stylized)	)	
	)	
Wimo Labs, LLC	)	Cancellation No. _____
	)	
Petitioner,	)	
	)	
v.	)	
	)	
ARRO Co., Ltd.,	)	
	)	
Respondent.	)	

**PETITION FOR CANCELLATION**

This Petition for Cancellation is submitted in the matter of Registration No. 4,303,455 (the “Registration”), owned by ARRO Co., Ltd., a Republic of Korea corporation with a correspondence address of record at 205-11, Anyang7-dong, Manan-gu, Anyang-si, Gyeonggi-do, Republic of Korea (“Respondent”). The Registration issued on March 19, 2013 for the mark EPICASE (Stylized) (the “Subject Mark”) for use in connection with “cases for mobile phones” in International Class 9 and “graphic arts designing” in International Class 42. Wimo Labs, LLC (“Wimo Labs”), a Delaware limited liability company having a place of business at 939 W. Lake Street, Chicago, IL 60607, believes that it will be injured by the continued registration of Registration No. 4,303,455 and therefore petitions to cancel the same.

The grounds for this Petition are as follows:

1. Wimo Labs offers a line of innovative cases and accessories for smart phones, watches and other handheld and wearable electronic devices in connection with its federally registered marks such as LUNATIK, TAKTIK, TIKTOK and AQUATIK.

2. Wimo Labs has applied to register the mark EPIK based on its intent to use the mark in connection with “wearable casings for smart watches; wearable waterproof casings for smart watches; bands and straps for use in attaching wearable casings for smart watches to a user's person” in International Class 9. *See* Application Ser. No. 86/568,488.

3. Wimo Labs’ application to register EPIK has been refused by the Trademark Office based on purported likelihood of confusion with the Subject Mark.

4. On information and belief, Respondent has never made use of the Subject Mark in interstate commerce in the United States, or has abandoned the Subject Mark without intent to resume use, within the meaning of Section 45 of the Trademark Act, 15 U.S.C. § 1127. The Registration should therefore be cancelled in accordance with Section 14 of the Trademark Act, 15 U.S.C. § 1064.

5. Wimo Labs is being and will continue to be damaged by the continued registration of Respondent’s mark in that Wimo Labs’ application to register EPIK will be impaired by the Registration.

WHEREFORE, Wimo Labs requests that this Petition for Cancellation be granted and Registration No. 4,303,455 be cancelled.

Respectfully submitted,

Date: June 21, 2016

By:           /Mike R. Turner/            
One of the Attorneys for  
Wimo Labs, LLC

Mike R. Turner  
Andrew S. Fraker  
Neal, Gerber & Eisenberg LLP  
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Chicago, Illinois 60602-3801  
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**CERTIFICATE OF SERVICE**

I, Andrew S. Fraker, an attorney, state that, pursuant to 37 CFR §§ 2.111 and 2.119, I caused a true and correct copy of the foregoing Petition for Cancellation to be served upon:

ARRO Co., Ltd.  
205-11, Anyang7-dong, Manan-gu, Anyang-si,  
Gyeonggi-do  
Republic of Korea 430-817

via First Class Mail, on June 21, 2016.

/Andrew S. Fraker/  
Andrew S. Fraker