

ESTTA Tracking number: **ESTTA763273**

Filing date: **08/09/2016**

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	Securawealth Investment Strategies, LLC		
Entity	Limited Liability Company	Citizenship	Ohio
Address	6288 Doral Drive NW Canton, OH 44718 UNITED STATES		

Attorney information	Fred Zollinger Zollinger & Burleson Ltd. 6370 Mt. Pleasant Street NW P.O. Box 2368 North Canton, OH 44720 UNITED STATES docket@patentlawyerz.com Phone:330-526-0104		
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Registration Subject to Cancellation

Registration No	4212958	Registration date	09/25/2012
Registrant	Secure Wealth, LLC Suite 1025 Salt Lake City, UT 84111 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2011/06/00 First Use In Commerce: 2011/06/00 All goods and services in the class are cancelled, namely: Financial services, namely, providing on-line resources in the nature of a website featuring technology for use in financial planning, monitoring of credit scores, identity theft protection, budget planning, account aggregation, and debt management

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	20160809PetitionforCancellation.pdf(30915 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/fhzii/
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Name	Fred H. Zollinger III
Date	08/09/2016

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

Securawealth Investment Strategies, LLC,

Petitioner,

v.

Secure Wealth, LLC

Respondent.

PETITION FOR CANCELLATION

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

Dear Sir or Madam:

Securawealth Investment Strategies, LLC, an Ohio limited liability company having a place of business at 6288 Doral Drive NW, Canton, OH 44718 ("Petitioner") believes that it is and will be damaged by Registration No. 4,212,958 for the mark SECURE WEALTH, owned by Secure Wealth, LLC, a Utah limited liability company having a place of business at Suite 1025, 136 East South Temple, Salt Lake City, Utah 84111 ("Respondent"), and hereby petitions to cancel said registration.

Respondent's Trademark Registration No. 4,212,958 is described as follows:

Mark: SECURE WEALTH

Goods: Financial services, namely, providing on-line resources in the nature of a website featuring technology for use in financial planning, monitoring of credit scores, identity theft protection, budget planning, account aggregation, and debt management.

Filed: November 23, 2011

Alleged First Use: June 30, 2011

Registered: September 25, 2012

As grounds for cancellation, it is alleged that:

1. Petitioner is the owner of U.S. Trademark Application Serial No. 86/703,903 for the mark SECURAWEALTH INVESTMENT STRATEGIES and design in connection with " Comprehensive professional person-to-person individual wealth management, financial and investment advisory services, the foregoing services provided to high net worth individuals and business owners on a discretionary and non-discretionary basis and securities trade execution services for others " in International Class 36 ("Petitioner's Application").

2. Petitioner has been, and continues to be, damaged in that U.S. Registration No. 4,212,958 has been cited against Petitioner's Application as a basis for refusal of registration under Trademark Act Section 2(d). Any refusal by the U.S. Patent and Trademark Office to register Petitioner's SECURAWEALTH INVESTMENT STRATEGIES and design mark damages Petitioner.

3. On information and belief, Respondent has discontinued use of the mark shown in Registration No. 4,212,958 in connection with "Financial services, namely, providing on-line resources in the nature of a website featuring technology for use in financial planning, monitoring of credit scores, identity theft protection, budget planning, account aggregation, and debt management," with the intent not to resume use.

4. In view of Respondent's non-use of the mark SECURE WEALTH shown in U.S. Registration No. 4,212,958, Respondent is not entitled to continued registration of

the mark pursuant to Section 14(3) of the Trademark Act, 15, U.S.C. § 1064(3), and as such, said registration should be cancelled.

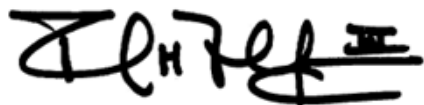
5. As Petitioner's attempt to register the mark as shown in Petitioner's Application will be impaired by the continued registration of said abandoned mark of Respondent, and as Petitioner believes that Respondent has abandoned the mark shown in U.S. Registration No. 4,212,958, said registration should be canceled.

WHEREFORE, Petitioner prays that U.S. Registration No. 4,212,958 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully submitted,

Zollinger & Burleson Ltd.

Dated: August 9, 2016



By: _____

Fred H. Zollinger III

6370 Mt. Pleasant Street NW

North Canton, OH 44720

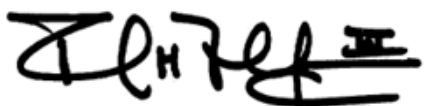
330-526-0104

docket@patentlawyerz.com

CERTIFICATE OF SERVICE

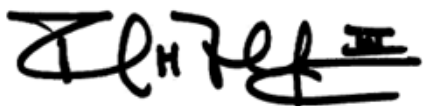
I hereby certify that I served a copy of the foregoing Petition for Cancellation upon Respondent by depositing one copy thereof in the United States Mail, Priority mail Express®, on August 9, 2016, addressed as follows:

Secure Wealth, LLC
Registered Agent: David Wright
Suite 1025
136 East South Temple
Salt Lake City, Utah 84111



Fred H. Zollinger III

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office through their web site located at <http://esta.uspto.gov>. on August 9, 2016.



Fred H. Zollinger III