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Filing date: **10/18/2016**

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	American Promotional Events, Inc.		
Entity	Corporation	Citizenship	Alabama
Address	4511 Helton Drive Florence, AL 35630 UNITED STATES		

Attorney information	Michelle Alvey Husch Blackwell LLP 190 Carondelet Plaza, Suite 600 St. Louis, MO 63105 UNITED STATES michelle.alvey@huschblackwell.com, pto-sl@huschblackwell.com, alan.nemes@huschblackwell.com Phone:314-480-1500
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Registration Subject to Cancellation

Registration No	4040889	Registration date	10/18/2011
Registrant	Freedom First Fireworks, LLC 400-A Lynn Road Blountville, TN 37617 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2010/06/01 First Use In Commerce: 2010/06/01 All goods and services in the class are cancelled, namely: Wholesale and retail store services and on-line retail and wholesale store services featuring fireworks and fireworks related products

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2822999	Application Date	09/26/2001
Registration Date	03/16/2004	Foreign Priority Date	NONE
Word Mark	ENDURING FREEDOM		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 013. First use: First Use: 2001/12/19 First Use In Commerce: 2001/12/19 Fireworks
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U.S. Registration No.	4237652	Application Date	04/12/2012
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Registration Date	11/06/2012	Foreign Priority Date	NONE
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Word Mark	LET FREEDOM RINGS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 013. First use: First Use: 2008/04/26 First Use In Commerce: 2008/04/26 Fireworks
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U.S. Registration No.	4898769	Application Date	09/08/2015
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Registration Date	02/09/2016	Foreign Priority Date	NONE
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Word Mark	NATION OF FREEDOM
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 013. First use: First Use: 2014/12/11 First Use In Commerce: 2014/12/11 Fireworks
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Attachments	85595944#TMSN.png(bytes) 86749971#TMSN.png(bytes) FF_FREEDOM_FIREWORKS_PETITION_TO_CANCEL.pdf(169489 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	/Michelle Alvey/
Name	Michelle Alvey
Date	10/18/2016

CERTIFICATE OF MAILING VIA ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on October 18, 2016.

/Michelle Alvey/

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

Mark: FF FREEDOM FIRST FIREWORKS
In the matter of Registration No. 4040889

AMERICAN PROMOTIONAL EVENTS, INC.)	
)	
Petitioner,)	
)	Proceeding No.
v.)	
)	
FREEDOM FIRST FIREWORKS, LLC.)	
)	

Registrant.

PETITION TO CANCEL REGISTRATION NO. 4040889

American Promotional Events, Inc., an Alabama corporation with a place of business at 4511 Helton Drive, Florence, Alabama 35630 (“Petitioner”), is being and will be damaged by the continued registration of the mark shown at U.S. Registration No. 4040889 and hereby petitions to cancel Registration No. 4040889. The grounds for cancellation are as follows:

1. Registrant Freedom First Fireworks, LLC, 400-A Lynn Road Blountville Tennessee 37617 (“Registrant”) is the owner of U.S. Registration No. 4040889 for “Wholesale and retail store services and on-line retail and wholesale store services featuring fireworks and fireworks related products” (“Registrant’s services”) in International Class 35 (the “Registration”).
2. The Registration issued on October 18, 2011. Registrant filed the application for Registration on November 17, 2010 with an alleged first use date of June 1, 2010.

3. Petitioner owns rights in and to numerous “FREEDOM” marks in connection with fireworks and goods and services related thereto (“Petitioner’s Goods and Services”) and Petitioner is the owner of United States Trademark Registrations and Applications and the common law rights associated therewith, including but not limited to those noted below:

TM/AN/RN/Disclaimer	Status/Key Dates	Full Goods/Services
<u>ENDURING FREEDOM</u> RN: 2822999 SN: 78085620	Renewed March 16, 2014 First Use: December 19, 2001 Filed: September 26, 2001 Application Published: December 23, 2003 Registered: March 16, 2004	(Int'l Class: 13) fireworks
<u>LET FREEDOM RINGS</u> RN: 4237652 SN: 85595944	Registered November 6, 2012 First Use: April 26, 2008 Filed: April 12, 2012 Application Published: August 21, 2012	(Int'l Class: 13) fireworks
<u>NATION OF FREEDOM</u> RN: 4898769 SN: 86749971	Registered February 9, 2016 First Use: December 11, 2014 Filed: September 8, 2015 Application Published: November 24, 2015	(Int'l Class: 13) fireworks

(For purposes of this Notice, all of Petitioner’s rights in and to the “FREEDOM” trademarks, including the U.S. trademark Registrations and Applications, will be referred to as the “FREEDOM Marks”).

4. Since long prior to Registrant’s filing date, Petitioner has used the FREEDOM Marks in commerce on or in connection with Petitioner’s Goods and Services, which are similar to Registrant’s services.

5. Petitioner’s FREEDOM Marks are inherently distinctive and uniquely associated with Petitioner in connection with Petitioner’s Goods and Services offered under the FREEDOM Marks by reason of the continuous use, promotion and advertising by Petitioner. Such advertising, promotion and use occurred prior to the filing date and registration date of Registrant’s Registration.

6. Upon information and belief, Registrant's services are or will be directed to the same or related class of customers as those for Petitioner's Goods and Services and are or will be sold in the same channels of trade.

7. Registrant's mark so resembles the FREEDOM Marks as to be likely, when used in conjunction with Registrant's services, to cause confusion, mistake, or deception by causing the public to believe that the services offered in connection with Registrant's mark originate from, or are otherwise sponsored or endorsed by Petitioner in violation of Lanham Act §2(d) (15 U.S.C. 1052(d)).

WHEREFORE, Petitioner believes that it will be damaged by the continued registration of Registration No. 4040889 and requests that the Petition to Cancel Registration No. 4040889 be sustained in favor of Petitioner and that Registration No. 4040889 be canceled.

Petitioner requests that, if there is any insufficiency in the payment of the statutory filing fee, such amount be debited from our Deposit Account No. 11-0160.

Respectfully submitted,

By: /Michelle Alvey/
Michelle Alvey
Alan Nemes
HUSCH BLACKWELL LLP
The Plaza in Clayton Office Tower
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Telephone: (314) 345-6000

Attorneys for Petitioner.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PETITION TO CANCEL REGISTRATION NO. 4040889 has been duly served on the Registrant by mailing a copy of same via U.S. First Class Mail, postage prepaid, on this 18th day of October 2016 to:

FREEDOM FIRST FIREWORKS, LLC
400A LYNN RD
BLOUNTVILLE, TENNESSEE 37617-5007

/Michelle Alvey/