

ESTTA Tracking number: **ESTTA785709**

Filing date: **11/29/2016**

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	Joseph Adenuga		
Entity	Individual	Citizenship	UNITED KINGDOM
Address	105 The Fairway Palmers Green; London, N13 5QN UNITED KINGDOM		

Attorney information	David A.W. Wong; Caitlin Byczko Barnes & Thornburg LLP 11 S. Meridian St. Indianapolis, IN 46202 UNITED STATES Caitlin.Byczko@btlaw.com, dwong@btlaw.com, kfennesy@btlaw.com, tmin-docket@btlaw.com Phone:317-236-1313
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Registration Subject to Cancellation

Registration No	4927492	Registration date	03/29/2016
Registrants	Young, Brian 69 E. Quail Street Sparks, NV 89431 UNITED STATES Gorges, Corey 69 E. Quail Street Sparks, NV 89431 UNITED STATES Dobyys, Joseph 69 E. Quail Street Sparks, NV 89431 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2015/06/18 First Use In Commerce: 2015/06/18 All goods and services in the class are cancelled, namely: Beanies; Bikinis; Hats; Shirts; Socks; Sweatshirts

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Related Proceedings	N/A
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Attachments	TTAB Petition to Cancel SKIPTA CLOTHING.pdf(2350980 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	/cbyczko/
Name	Caitlin R. Byczko
Date	11/29/2016

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

Joseph Adenuga

Petitioner,

v.

Joseph Dobyns
Corey Gorges
Brian Young

Respondents.

Cancellation No. _____
Mark: SKIPTA CLOTHING
Registration No. 4927492

PETITION FOR CANCELLATION

Joseph Adenuga (“Petitioner”) believes it is now and will continue to be damaged by Joseph Dobyns, Corey Gorges, and Brian Young’s (“Respondents”) continued registration of the trademark SKIPTA CLOTHING, as shown in Registration No. 4927492, (“Respondents’ Mark”), and hereby petitions to cancel said registration.

The grounds for this petition are as follows:

1. Respondents, jointly, are the owners of U.S. Registration No. 4927492 for the Respondents’ Mark in connection with “Beanies; Bikinis; Hats; Shirts; Socks; Sweatshirts” (“Respondents’ Goods”). A printout from the TSDR, evidencing the current status and ownership of this registration, is attached as **Exhibit A**.

2. The Respondents filed the application to register Respondents’ Mark on August 24, 2015, claiming a date of first use in commerce of June 18, 2015.

3. On April 5, 2016, Petitioner filed U.S. trademark application Serial No. 79190381 to register the mark SKEPTA (“Petitioner’s Mark”) in connection with: “Articles of clothing,

footwear and headwear; lingerie, sleepwear, nightwear, maternity wear (together, “Petitioner’s Goods”). A printout from the TSDR, evidencing the current status and ownership of this application, is attached as **Exhibit B**.

4. In an Office Action dated August 24, 2016, the Trademark Office has preliminarily refused registration of Petitioner’s U.S. trademark application Serial No. 79190381 based, in part, on a perceived likelihood of confusion with U.S. Registration No. 4927492.

5. Upon information and belief, Respondents have discontinued use of Respondents’ Mark with an intent not to resume such use, and Respondents have abandoned the Respondents’ Mark.

6. Upon information and belief, Respondents committed fraud upon the United States Patent and Trademark Office (the “Office”) when they alleged to the Office in a verified statement that Respondents were using the mark in commerce at the time of filing the application to register Respondents’ Mark in connection with all of Respondents’ Goods.

7. Upon information and belief, Respondents have made a false declaration to the Office when they alleged in a verified statement that the Respondents were using the mark in commerce at the time of filing the application to register Respondents’ Mark in connection with all of Respondents’ Goods.

8. Continued registration of Respondents’ Mark in connection with Respondents’ Goods is causing harm to Petitioner by interfering with Petitioner’s ability to register and protect its SKEPTA trademark in connection with Petitioner’s Goods.

WHEREFORE, Petitioner believes that it is, and will continue to be, damaged by the registration of Respondents' Mark and that Respondents' Mark has been abandoned, that Respondents have committed fraud upon the Office, and that Respondents secured registration by way of a false declaration, and prays that said registration be canceled.

Respectfully submitted,

Joseph Adenuga

Date: 11/29/2016

By: /s/ David A.W. Wong

David A. W. Wong

Caitlin R. Byczko

Kathleen S. Fennessy

BARNES & THORNBURG LLP

11 South Meridian Street

Indianapolis, Indiana 46204

317-231-7238

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Petition for Cancellation has been served on **November 29, 2016**, by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to the Respondents:

Joseph Dobyms,
Corey Gorges, and
Brian Young
69 E. Quail Street
Sparks, Nevada 89431

/s/ David A.W. Wong

The Trademark organization is beta testing a next generation examination system. As a result, there may be instances where Office actions have unexpected formatting or spacing issues. The Office is working on improvements to resolve these issues and appreciates your patience. Please contact us at [TMFeedback](#) if you have comments or issues with the appearance of a particular Office action or its attachments.

STATUS

DOCUMENTS

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Mark: SKIPTA CLOTHING

SKIPTA CLOTHING

US Serial Number: 86734278

Application Filing Date: Aug. 24, 2015

US Registration Number: 4927492

Registration Date: Mar. 29, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 29, 2016

Publication Date: Jan. 12, 2016

Mark Information

Mark Literal Elements: SKIPTA CLOTHING

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "CLOTHING"

Translation: The wording "SKIPTA" has no meaning in a foreign language.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Beanies; Bikinis; Hats; Shirts; Socks; Sweatshirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)**First Use:** Jun. 18, 2015**Use in Commerce:** Jun. 18, 2015

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Ame
Filed ITU: No	Currently ITU: No	Ame
Filed 44D: No	Currently 44D: No	Ame
Filed 44E: No	Currently 44E: No	Ame
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Young, Brian	
Owner Address: 69 E. Quail Street Sparks, NEVADA UNITED STATES 89431	
Legal Entity Type: INDIVIDUAL	Citizenship: UNITED STATES
Owner Name: Gorges, Corey	
Owner Address: 69 E. Quail Street Sparks, NEVADA UNITED STATES 89431	
Legal Entity Type: INDIVIDUAL	Citizenship: UNITED STATES
Owner Name: Dobyys, Joseph	
Owner Address: 69 E. Quail Street Sparks, NEVADA UNITED STATES 89431	
Legal Entity Type: INDIVIDUAL	Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Matthew H. Swyers,	Docket Number: 25165
Attorney Primary Email Address: admin@thetrademarkcompany.com	Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MATTHEW H. SWYERS, The Trademark Company PLLC 344 Maple Ave W Ste 151 Vienna, VIRGINIA UNITED STATES 22180-5612	
Phone: 800-906-8626 x100	Fax: 877-351-5480
Correspondent e-mail: admin@thetrademarkcompany.com	Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 29, 2016	REGISTERED-PRINCIPAL REGISTER	
Jan. 12, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 12, 2016	PUBLISHED FOR OPPOSITION	
Dec. 24, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 08, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 08, 2015	ASSIGNED TO EXAMINER	73360
Aug. 27, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 27, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 29, 2016

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

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Mark: SKEPTA

SKEPTA

US Serial Number: 79190381

Application Filing Date: Apr. 05, 2016

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (meeting minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney providing information and/or making an initial refusal. The applicant must respond to this Office action. To view all details, click the Trademark Document Retrieval link at the top of this page.

Status Date: Aug. 25, 2016

Mark Information

Related Properties Information

International Registration Number: [1305909](#)

International Registration Date: Apr. 05, 2016

Goods and Services

Note:

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- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Articles of clothing, footwear and headwear; lingerie, sleepwear, nightwear, maternity wear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

For: Entertainment services; entertainment services, namely, conducting live performances featuring music; motion picture production services; entertainment services, namely, personal or televised appearances by a celeb

in the nature of conducting exhibitions featuring music and theatrical performances; song writing services in the nature of entertainment; providing information about music, celebrity, and entertainment via a web site; and print and online publications

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Ame

Filed ITU: No

Currently ITU: No

Ame

Filed 44D: No

Currently 44D: No

Ame

Filed 44E: No

Currently 44E: No

Ame

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Joseph Adenuga

Owner Address: 105 The Fairway,
Palmers Green; London N13 5QN
UNITED KINGDOM

Legal Entity Type: INDIVIDUAL

Citizenship: GREAT BRITAIN

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent: Groom Wilkes and Wright LLP

Name/Address: The Haybarn,
Upton End Farm Business Park,
Shillington, Hertfordshire SG5 3PF UNITED KINGDOM

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 09, 2016	REFUSAL PROCESSED BY IB	
Aug. 25, 2016	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Aug. 25, 2016	REFUSAL PROCESSED BY MPU	73787
Aug. 25, 2016	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Aug. 24, 2016	NON-FINAL ACTION WRITTEN	89013
Aug. 23, 2016	APPLICATION FILING RECEIPT MAILED	

Aug. 19, 2016	ASSIGNED TO EXAMINER	89013
Aug. 19, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 18, 2016	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1305909	International Registration Date: Apr. 05, 2016
Priority Claimed Flag: Yes	Date of Section 67 Priority Claim: Mar. 03, 2016
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Aug. 18, 2016
Notification of Designation Date: Aug. 18, 2016	Date of Automatic Protection: Feb. 18, 2018
International Registration Renewal Date: Apr. 05, 2026	
First Refusal Flag: Yes	

TM Staff and Location Information

TM Staff Information

TM Attorney: SCHIMPF, TIMOTHY O

Law Office Assigned: LAW OFFICE 113

File Location

Current Location: TMO LAW OFFICE 113 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Aug. 24, 2016

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded