

ESTTA Tracking number: **ESTTA789559**

Filing date: **12/15/2016**

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	The Cellular Connection, LLC		
Entity	limited liability company	Citizenship	Indiana
Address	525 Congressional Blvd. Carmel, IN 46032 UNITED STATES		

Attorney information	Denis V. Shamo Baker & McKenzie LLP 2001 Ross Avenue; Suite 2300 Dallas, TX 75201 UNITED STATES dallastrademarks@bakermckenzie.com Phone:214-965-7293		
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Registration Subject to Cancellation

Registration No	4672607	Registration date	01/13/2015
Registrant	Washington, Alandra L. 625 Minges Rd E Battle Creek, MI 49015 UNITED STATES		

Goods/Services Subject to Cancellation

<p>Class 035. First Use: 2014/10/20 First Use In Commerce: 2014/10/20 All goods and services in the class are cancelled, namely: Business services, namely, assisting others in the establishment of charitable organizations; Charitable services, namely, coordination of non-monetary contributions to charities and non-profits; Charitable services, namely, promoting public awareness of giving that takes place by donors of color; Promoting giving models and practices by people of color for others; Administration of a program to promote community service; Charitable services, namely, facilitating administrative coordination among charitable organizations; Charitable services, namely, organizing and developing projects that aim to improve the lives of underprivileged and impoverished people; Developing and managing the charitable giving programs of others; Promoting charitable giving that reflects the core values of the donor by providing a method to identify the donor's core values and to select charities that foster those values; Promoting the charitable giving of others, namely, tracking and publicizing charitable donations and random acts of kindness</p>
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Cancellation.pdf(157909 bytes) Exhibit A.pdf(61111 bytes) Exhibit B.pdf(117797 bytes) Exhibit C.pdf(1298603 bytes)
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	Exhibit D.pdf(154630 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	/Denis V. Shamo/
Name	Denis V. Shamo
Date	12/15/2016

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

In the Matter of Registration No. 4,672,607
Mark: CULTURES FOR GOOD
Date of Registration: January 13, 2015

THE CELLULAR CONNECTION, LLC

Petitioner,

v.

ALANDRA L. WASHINGTON,

Respondent.

§
§
§
§
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§
§

Cancellation No. _____

PETITION FOR CANCELLATION

Petitioner, The Cellular Connection, LLC, an Indiana limited liability company with a business address of 525 Congressional Blvd., Carmel, Indiana 46032, believes that it will be damaged by the continued registration of Registration No. 4,672,607 for the mark CULTURES FOR GOOD (the “Registration”) and hereby petitions the Trademark Trial and Appeal Board to cancel the Registration pursuant to 15 U.S.C. § 1064.

As grounds in support of the petition, Petitioner asserts as follows:

1. On information and belief, the name of the current owner of the Registration is Alandra L. Washington., a United States individual an address of 625 Minges Rd E, Battle Creek, Michigan, 49015 (“Respondent”).

2. On August 16, 2013, Respondent filed a U.S. trademark application to register CULTURES FOR GOOD for use in connection with “*business services, namely, assisting others in the establishment of charitable organizations; charitable services, namely, coordination of non-monetary contributions to charities and non-profits; charitable services, namely, promoting*”

public awareness of giving that takes place by donors of color; promoting giving models and practices by people of color for others; administration of a program to promote community service; charitable services, namely, facilitating administrative coordination among charitable organizations; charitable services, namely, organizing and developing projects that aim to improve the lives of underprivileged and impoverished people; developing and managing the charitable giving programs of others; promoting charitable giving that reflects the core values of the donor by providing a method to identify the donor's core values and to select charities that foster those values; promoting the charitable giving of others, namely, tracking and publicizing charitable donations and random acts of kindness” in International Class 36. Respondent’s trademark application was assigned Serial No. 86/039,646, and matured into Registration No. 4,672,607 on January 13, 2015. A copy of the registration certificate for the Registration is attached in Exhibit A.

3. On March 2, 2016, Petitioner filed a trademark application for CULTURE OF GOOD, which, as amended, covers:

- *“developing and coordinating volunteer projects for charitable organizations”* in International Class 35; and
- *“charitable services, namely, coordination of the procurement and distribution of monetary donations from the general public for purchase of personal and professional necessities for individuals in need; charitable fundraising”* in International Class 36,

and which was assigned Serial No. 86/926,738. A printout from the U.S. Patent and Trademark Office’s Trademark Status & Document Retrieval database with details of Petitioner’s application under Ser. No. 86/926,738 is attached as Exhibit B.

4. On June 15, 2016, the U.S. Patent and Trademark Office refused registration of Petitioner's CULTURE OF GOOD mark on the basis of a likelihood of confusion with Respondent's CULTURES FOR GOOD mark, citing the Registration as the sole substantive obstacle to registration.

5. On information and belief, Respondent is not using the mark CULTURES FOR GOOD in interstate commerce and has not used CULTURES FOR GOOD in the United States since at least 2014. On information and belief, Respondent ceased *bona fide* use of CULTURES FOR GOOD in the ordinary course of trade with no intention to resume such use, and therefore has abandoned the mark within the meaning of Section 45 of the Trademark Act, 15 U.S.C. § 1127. Accordingly, the Registration should be canceled in accordance with Section 14 of the Trademark Act, 15 U.S.C. § 1064(3).

6. Intention not to resume use may be inferred from circumstances. 15 U.S.C. § 1127. As discussed at ¶¶ 7-9, below, circumstances of the instant case lead to the unavoidable conclusion that Respondent does not intend to resume use of CULTURES FOR GOOD.

7. On information and belief, Respondent's primary vehicles for promoting its services are the website located at <http://alandrawash.wixsite.com/culturesforgood> and the social media account on the Facebook platform, located at <https://www.facebook.com/culturesforgood>.

8. At its website, Respondent does not advertise or render any of the services identified in her registration. Moreover, Respondent's website displays a "© 2014" copyright notice, and content at the website does not appear to have been updated since 2014. The most recent (and only) post in the "blog" section of the website is dated October 19, 2014. Most of the website's content consists of "coming soon" or other placeholder wording, which has been in place since 2014. Printouts from Respondent's website are attached as Exhibit C. Similarly,

Respondent's social media page at Facebook.com provides no content other than a link to Respondent's website and a one-line introductory post dated October 20, 2014. Respondent's Facebook page does not appear to have been updated since that date. A printout of Respondent's Facebook page is attached as Exhibit D.

9. Respondent thus appears to have simply abandoned its key online channels, which indicates that it ceased *bona fide* use of CULTURES FOR GOOD in the ordinary course of trade and creates a strong inference that it does not intend to resume use of the CULTURES FOR GOOD mark.

10. In light of the U.S. Patent and Trademark Office's refusal to register Petitioner's CULTURE OF GOOD mark on the basis of a likelihood of confusion with the mark in the Registration, Petitioner will be damaged by the continued registration of Respondent's mark, as Petitioner may be unable to secure a federal registration for the mark in which it has rights.

WHEREFORE, Petitioner requests that this Petition for Cancellation be granted and Registration No. 4,672,607 be cancelled.

Dated: December 15, 2016

Respectfully submitted,

/s/ Denis V. Shamo

Denis V. Shamo

(denis.shamo@bakermckenzie.com)

Michigan Bar No. P73568

BAKER & MCKENZIE LLP

2300 Trammell Crow Center

2001 Ross Avenue

Dallas, Texas 75201

Telephone: (214) 978-3000

Facsimile: (214) 978-3099

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITION FOR CANCELLATION was served on December 15, 2016 via Certified Mail to Respondent's address of record as identified in the U.S. Patent and Trademark Office records, as follows:

Alandra L. Washington
625 Minges Rd E
Battle Creek, MI 49015

/s/ Denis V. Shamo
Denis V. Shamo

EXHIBIT A

United States of America

United States Patent and Trademark Office

Cultures For Good

Reg. No. 4,672,607

WASHINGTON, ALANDRA L. (UNITED STATES INDIVIDUAL)
625 MINGES RD E

Registered Jan. 13, 2015

BATTLE CREEK, MI 49015

Int. Cl.: 35

FOR: BUSINESS SERVICES, NAMELY, ASSISTING OTHERS IN THE ESTABLISHMENT OF CHARITABLE ORGANIZATIONS; CHARITABLE SERVICES, NAMELY, COORDINATION OF NON-MONETARY CONTRIBUTIONS TO CHARITIES AND NON-PROFITS; CHARITABLE SERVICES, NAMELY, PROMOTING PUBLIC AWARENESS OF GIVING THAT TAKES PLACE BY DONORS OF COLOR; PROMOTING GIVING MODELS AND PRACTICES BY PEOPLE OF COLOR FOR OTHERS; ADMINISTRATION OF A PROGRAM TO PROMOTE COMMUNITY SERVICE; CHARITABLE SERVICES, NAMELY, FACILITATING ADMINISTRATIVE COORDINATION AMONG CHARITABLE ORGANIZATIONS; CHARITABLE SERVICES, NAMELY, ORGANIZING AND DEVELOPING PROJECTS THAT AIM TO IMPROVE THE LIVES OF UNDERPRIVILEGED AND IMPOVERISHED PEOPLE; DEVELOPING AND MANAGING THE CHARITABLE GIVING PROGRAMS OF OTHERS; PROMOTING CHARITABLE GIVING THAT REFLECTS THE CORE VALUES OF THE DONOR BY PROVIDING A METHOD TO IDENTIFY THE DONOR'S CORE VALUES AND TO SELECT CHARITIES THAT FOSTER THOSE VALUES; PROMOTING THE CHARITABLE GIVING OF OTHERS, NAMELY, TRACKING AND PUBLICIZING CHARITABLE DONATIONS AND RANDOM ACTS OF KINDNESS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK

PRINCIPAL REGISTER

FIRST USE 10-20-2014; IN COMMERCE 10-20-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 86-039,646, FILED 8-16-2013.

FONG HSU, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

EXHIBIT B

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: CULTURE OF GOOD

CULTURE OF GOOD

US Serial Number: 86926738

Application Filing Date: Mar. 02, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the 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 requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 15, 2016

▼ Mark Information

▼ Expand All

Mark Literal Elements: CULTURE OF GOOD

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

▼ 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:	Developing and coordinating volunteer projects for charitable organizations		
International Class(es):	035 - Primary Class	U.S Class(es):	100, 101, 102
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Apr. 2013	Use in Commerce:	Apr. 2013

For:	Charitable services, namely, coordination of the procurement and distribution of monetary donations from the general public for purchase and subsequent donation of personal and professional necessities to individuals in need; charitable fundraising		
International Class(es):	036 - Primary Class	U.S Class(es):	100, 101, 102
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Apr. 2013	Use in Commerce:	Apr. 2013

▲ **Basis Information (Case Level)**

▼ **Current Owner(s) Information**

Owner Name:	The Cellular Connection, LLC		
Owner Address:	525 Congressional Blvd. Carmel, INDIANA UNITED STATES 46032		
Legal Entity Type:	LIMITED LIABILITY COMPANY	State or Country Where Organized:	INDIANA

▲ **Attorney/Correspondence Information**

▲ **Prosecution History**

▲ **TM Staff and Location Information**

▲ **Assignment Abstract Of Title Information - Click to Load**

EXHIBIT C

Welcome To Cultures For Good

October 19, 2014

You have talents, treasure and time that make a difference in your community. Your 3Ts can change the world. Cultures For Good Project helps to foster, promote, educate, and recognize efforts that faith-based organizations, denominations and congregations are doing to bring about a more just and equitable world. Welcome to Cultures For Good!



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Resources Coming Soon



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FAQ Under Constructuion

What Is Cultures For Good?

Cultures For Good is a national effort to promote the life changing work of faith-based initiatives, programs and projects, lift of best practices and lessons learned, and act a connector to help build networks of faithbased community action.



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EXHIBIT D

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Cultures For Good

October 20, 2014 · 🌐

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📄 Impressum

PEOPLE



14 likes

VISITOR POSTS



Patricia A. Havis

October 21, 2014 at 5:20am · 🌐

I see the vision. This is going to become a viable and valued alternative and support page. I really like.

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