

ESTTA Tracking number: **ESTTA800873**

Filing date: **02/13/2017**

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	Ultra PRO International, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	6049 Slauson Avenue Commerce, CA 90040 UNITED STATES		

Attorney information	Kevin Keener Keener and Associates, P.C. Suite 4700, 161 North Clark Street Chicago, IL 60601 UNITED STATES kevin.keener@keenerlegal.com, rishi.nair@keenerlegal.com, trademark@keenerlegal.com Phone:3125232164
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Registration Subject to Cancellation

Registration No	4804295	Registration date	09/01/2015
Registrant	Toastmasters International 23182 Arroyo Vista Rancho Santa Margarita, CA 92688 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2015/07/17 First Use In Commerce: 2015/07/17 All goods and services in the class are cancelled, namely: Downloadable software available via wireless and other communication networks for providing, organizing, and timing speeches, speech activities and speech exercises for the purposes of training in public speaking, communication and leadership

Grounds for Cancellation

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

U.S. Application No.	85245713	Application Date	02/18/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TABLETOPICS		

Design Mark	TABLETOPICS
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2011/01/27 First Use In Commerce: 2011/01/27 Downloadable software in the nature of a mobile application for presenting and managing conversation starter questions

Attachments	85245713#TMSN.png(bytes) Petition for cancellation.pdf(20482 bytes)
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Signature	/kevinkeener/
Name	Kevin Keener
Date	02/13/2017

Petitioner has made use of the TABLETOPICS mark since at least as early as January 27, 2011.

2. Registrant seeks to register the mark TABLE TOPICS as a trademark in International Class 9 for “Downloadable software available via wireless and other communication networks for providing, organizing, and timing speeches, speech activities and speech exercises for the purpose of training in public speaking, communication and leadership.” Registrant claims a date of first use of July 17, 2015.
3. On information and belief, for many years and prior to any date of first use on which Registrant can rely, the Petitioner and Petitioner’s predecessors-in-interest have adopted and continuously used the TABLETOPICS mark in commerce for their goods and services.
4. Petitioner has spent significant amounts of revenue and resources in the marketing and sale of goods bearing TABLETOPICS mark, and, as result of extensive marketing, promotion, advertising and sales activity, its mark has become well-known as identifying its goods. Through Petitioners' continuing use of its marks in commerce, the mark has become valuable assets and principal symbols of Petitioners' extensive goodwill.
5. Registrant’s TABLE TOPICS mark so resembles Petitioners' highly similar mark TABLETOPICS and the goods and services associated with the respective marks are so highly related that the continued registration of the TABLE TOPICS mark is likely to cause confusion, reverse confusion, or mistake among relevant consumers, or to deceive consumers, users and others who may believe that Registrant's goods and services are Petitioners' goods and services or that such use is sponsored, authorized, licensed by, or in some other way legitimately connected with Petitioner.

6. Registrant's use or potential use of the TABLE TOPICS mark so resembles Petitioners' use of the registered mark TABLETOPICS that it is likely to falsely designate the origin of Registrant's goods or Petitioners' goods.
7. Registrant's use of TABLE TOPICS mark is likely to disparage and falsely suggest a connection with Petitioners' goods, thereby causing loss, damage and injury to Petitioner and consumers and interfering with Petitioners' use of its marks and its ability to avail itself of present and future commercial benefit resulting from its sustained personal and financial investment in the development thereof.
8. If the Registrant is permitted to retain the registration sought to be cancelled, a cloud will be placed on Petitioners' title in and to the trademark TABLE TOPICS, and on their right to enjoy the free and exclusive use thereof in connection with the sale of their goods and services, all to the great injury and detriment of the Petitioner.

WHEREFORE, Petitioner, by and through their attorney, believing they are damaged by Registration No. 4,804,295, respectfully requests that this Petition be granted and that U.S. Reg. No. 4,804,295 for TABLE TOPICS be cancelled.

Date: Feb. 13, 2017

Respectfully Submitted,

/KevinKeener/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing Petition for Cancellation was served upon Registrant by email on the following individuals at the following addresses:

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