

ESTTA Tracking number: **ESTTA826110**

Filing date: **06/11/2017**

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	FMN, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	120 S. El Camino Dr., Suite 207 c/o Keats Gatien LLP Beverly Hills, CA 90212 UNITED STATES		

Attorney information	Konrad Gatien Keats Gatien, LLP 120 S. El Camino Dr., Suite 207 Beverly Hills, CA 90212 UNITED STATES uspto@keatsgatien.com Phone:4243020717		
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Registration Subject to Cancellation

Registration No	4713902	Registration date	03/31/2015
Registrant	Balban, Bahadir 1402 Cherrywood Sq. San Jose, CA 95117 UNITED STATES		

Goods/Services Subject to Cancellation

<p>Class 042. First Use: 2013/01/01 First Use In Commerce: 2013/01/01 All goods and services in the class are cancelled, namely: Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the field of politics, history, art, life sciences, design, business, travel, technology, music, and photography; Creating and maintaining blogs for others; Developing customized web pages and other data feed formats featuring user-defined information; Peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos; Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs; Visual design services in the nature of designing visual elements for on-line, broadcast, print, outdoor and other communication media</p>
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Grounds for Cancellation

Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)
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Attachments	Petition for Cancellation - FOLLOW.ME.pdf(1405000 bytes)
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Signature	/s/
Name	Konrad Gatién
Date	06/11/2017

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

FMN, LLC,)	
)	Cancellation No. _____
Petitioner,)	
)	Registration No: 4,713,902
v.)	Mark: FOLLOW.ME
)	
Bahadir Balban,)	
)	
Respondent.)	
_____)	

PETITION FOR CANCELLATION

FMN, LLC (“Petitioner”), a Delaware limited liability company, believes that it will be damaged by the continued registration of the above-identified mark by Bahadir Balban (“Respondent”) in Class 042 and hereby petitions to cancel same under the provisions of Section 14 of the Trademark Act of 1946, 15 U.S.C. § 1064.

The grounds for this Petition are as follows:

1. On March 13, 2014, Bahadir Balban (“Respondent”) filed his federal trademark application for FOLLOWME (Ser. No. 86220770) in Class 42 (“Respondent’s Mark”) on an intent-to-use basis.
2. On November 4, 2014, the USPTO issued a notice of allowance for Respondent’s Mark.
3. On December 12, 2014, Respondent filed his statement of use for Respondent’s Mark alleging a date of first use in commerce at least as early as January 1, 2013.
4. Respondent’s statement of use for Respondent’s Mark contains a purported “specimen of use,” which consists of a screenshot from a Mac computer of the URL unboucepages.com/follow.me/ purporting to show a software application that can be downloaded

from the “App Store” that will allow users to, among other things, upload and publish photos, videos and articles on a “hassle-free public home page.” A true and correct copy of the specimen of use filed with the USPTO is attached hereto as **Exhibit 1**.

5. On information and belief, and based on an investigation of the facts, the link to the “App Store” contained on the URL used for the specimen of use for Respondent’s Mark does not resolve to any “App Store.” In fact, when the link is clicked, the page to which it resolves is mostly blank, stating: “The requested URL was not found on this server.” See **Exhibit 2**.

6. On information and belief, and based on an investigation of the facts, Respondent’s specimen of use was not, in fact, in use at the time Respondent filed his statement of use.

7. On February 19, 2015, Respondent filed his amended drawing mark, which amended the mark to FOLLOW.ME. On information and belief, Respondent filed this amendment so that his drawing mark would match the specimen of use filed on December 12, 2014.

8. On February 21, 2015, the USPTO accepted the statement of use filed by Respondent.

9. On March 31, 2015, the USPTO issued the certificate of registration for Respondent’s Mark.

10. On information and belief, Respondent’s Mark was not used in commerce by Respondent, or any company related to Respondent, in connection with the services identified in the Registration at the time the application was filed, or at any time prior to the issuance of the resulting registration for Respondent’s Mark.

11. On August 31, 2016, Petitioner filed the pending federal trademark application for THE FOLLOW ME NETWORK (Ser. No. 87157189) in Class 42. Petitioner is the owner of said mark and all common law rights therein and thereto (hereinafter "Petitioner's Mark").

12. On December 12, 2016, the Examining Attorney reviewing Petitioner's trademark application for Petitioner's Mark issued an Office Action refusing registration based on a likelihood of confusion with Respondent's Mark.

13. On information and belief, Respondent made the conscious decision to file a specimen of use that was not, in fact, in use at the time Respondent filed his statement of use to secure a trademark registration for Respondent's Mark when Respondent was not entitled to registration.

14. On information and belief, Respondent's statement of use for Respondent's Mark contains the knowingly false statement that the mark was in use in commerce at least as early as January 1, 2013, when it was not.

15. On information and belief, Respondent did not use his mark in commerce as of the date of first use stated in his allegation of use for any service identified in the registration for Respondent's Mark.

16. On information and belief, Respondent did not use his mark in commerce as of the date of first use stated in his allegation of use for all services identified in the registration for Respondent's Mark.

17. On information and belief, Respondent did not use his mark in commerce at the time he filed his statement of use for any service identified in the registration for Respondent's Mark.

18. On information and belief, Respondent did not use his mark in commerce at the time he filed his statement of use for all services identified in the registration for Respondent's Mark.

19. On information and belief, neither Respondent, nor any company related to Respondent, has ever used Respondent's Mark in commerce.

20. On information and belief, Respondent knowingly and falsely stated that Respondent's Mark was in use when it was not, and that Respondent's Mark was in use for all services included in the application when it was not, to secure the benefit of the registration of Respondent's Mark.

21. On information and belief, the statements made by Respondent in his statement of use for Respondent's Mark were false, willful, and material, and but for Respondent's false, willful, and material misrepresentations, Respondent would not have secured the registration for Respondent's Mark.

22. Petitioner accordingly alleges that the application and prosecution that resulted in the registration for Respondent's Mark constituted a fraud on the USPTO.

23. Based on the foregoing, Petitioner believes it has been damaged by the registration of Respondent's Mark, and, if said mark is not canceled, Petitioner will continue to suffer irreparable harm and damage from the registration of Respondent's Mark.

PRAYER FOR RELIEF

24. Wherefore, Petitioner requests that this Petition for Cancellation be granted in favor of Petitioner and that the registration for Petitioner's Mark be cancelled.

CORRESPONDENCE

Petitioner has appointed KONRAD K. GATIEN, ANTHONY M. KEATS, and MATTHEW ERRETT GRAHAM, attorneys of the law firm of Keats Gatien, LLP, and members of the Bar of the State of California, to prosecute this cancellation proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith.

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Respectfully submitted,




Konrad K. Gatien
KEATS GATIEN, LLP
Attorneys for Petitioner
FMN, LLC

Dated: June 11, 2017

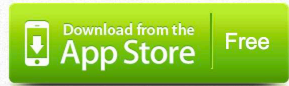
EXHIBIT 1

FOLLOW.ME

Follow us:  



Follow.me
Your hassle-free public home page



Create a public presence

Follow.me lets you create a simple public home page where you can share your social updates from your favorite networks.

Use it like a blog to share your thoughts, post your social updates, promote yourself and engage with your followers from a single place.

Come get your social space in the interwebs, and start engaging with people now.

A one stop shop for your public presence

- ✓ **Upload, publish, photos, videos, and articles.**
Upload and publish any media as part of your blog posts.

- ✓ **Blog without the hassle**
Use it as a simple blog without the tedious setup process of existing services.
- ✓ **Share updates from FB, Twitter**
Bored of sharing with friends you barely know? Share updates with the world, without being tied to a single service.
- ✓ **Your home page. Your rules.**
Remember, its **your home page**. We dont dictate any rules. Create the custom design and visual experience the way you want.

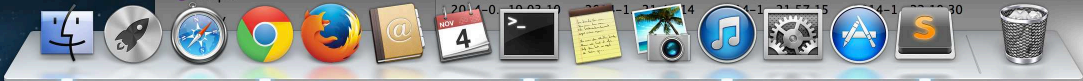


EXHIBIT 2

