

ESTTA Tracking number: **ESTTA826729**

Filing date: **06/13/2017**

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	Kevin A Tussy		
Entity	Individual	Citizenship	UNITED STATES
Address	1707 Village Center Circle Suite 200 Las Vegas, NV 89134 UNITED STATES		

Attorney information	Ryan Gile Weide & Miller Ltd. 7251 West Lake Mead Blvd Suite 530 Las Vegas, NV 89128 UNITED STATES rgile@weidemiller.com Phone:7023824804		
----------------------	--	--	--

Registration Subject to Cancellation

Registration No	4129761	Registration date	04/17/2012
Registrant	Yu Kuen Technology Ltd., Co. 4F.-3, No.498, Bannan Rd., Zhonghe Dist. New Taipei City, 235 TAIWAN		

Goods/Services Subject to Cancellation

Class 009. First Use: 2011/04/25 First Use In Commerce: 2011/04/25 All goods and services in the class are cancelled, namely: Portable rotatable holder especially adapted for use with handheld mobile digital electronic computer and wireless communication devices

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
-------------	-----------------------------

Attachments	Petition-to-Cancel-with-Exhibits-file-ready.pdf(451604 bytes)
-------------	--

Signature	/Ryan Gile/
Name	Ryan Gile
Date	06/13/2017

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

In the Matter of Registration No.: 4,129,761

Mark: IGOTYOU

Issued on: April 17, 2012

Kevin Alan Tussy)	
)	
Petitioner,)	
)	Cancellation No.
vs.)	
)	
Yu Kuen Technology Ltd., Co.)	
)	
Registrant.)	
_____)	

PETITION FOR CANCELLATION

Kevin Alan Tussy, with a mailing address of 1707 Village Center Circle, Suite 200, Las Vegas, NV 89134 (hereinafter “Petitioner”), believes that he is damaged by U.S. Trademark Registration No. 4,129,761 (hereinafter the “Subject Registration”) owned by Yu Kuen Technology Ltd., Co. (hereinafter the “Registrant”), which the records of the U.S. Patent and Trademark Office (“USPTO”) indicate has an address of 4F.-3, No.498, Bannan Rd., Zhonghe Dist., New Taipei City TAIWAN 235.

The grounds for this petition are as follows:

1. On June 17, 2016, Petitioner filed an intent to use-based trademark application with the USPTO in order to register and protect the word mark IGOTCHA (“Petitioner’s Mark”) in connection with “Cell phone cases.” See U.S. Trademark Application Serial No. 87/076,102. A current printout of information from the electronic database records of the USPTO showing the current status and title of Petitioner’s Mark is attached hereto as Exhibit 1.

2. Upon information and belief, Registrant is the named owner of U.S. Trademark Registration No. 4,129,761, for the mark IGOTYOU, registered on April 17, 2012, in connection with “Portable rotatable holder especially adapted for use with handheld mobile digital electronic and wireless communication devices” in International Class 009 (the “Registered Mark”). A

current printout of information from the electronic database records of the USPTO showing the current status and title of the Registered Mark is attached hereto as Exhibit 2.

Abandonment

3. Based on Petitioner's investigation, Petitioner is informed and believes, and on that basis alleges, that Registrant has discontinued use in commerce of the Registered Mark with no bona fide intent to resume such use. In particular, Petitioner has been unable to locate any indication of current, active sales or promotion by Registrant of the goods listed in the registration for the Registered Mark.

4. In support of Petitioner's position that he cannot find any indication of current, active sales or promotion by Registrant, Petitioner located the Twitter.com page that Registrant had used to promote its portable rotatable holder using the Registered Mark. A true and correct copy of the Registrant's Twitter.com page is attached hereto as Exhibit 3. The page reflects no activity since September 2011.

5. In addition, when following the website link referenced on Registrant's Twitter.com page (www.ipadholders.co.uk), a webpage loads up stating "Web Server's Default Page," indicating the presence of no active website by Registrant at this address. A true and correct copy of this website is attached hereto as Exhibit 4. Petitioner is unable to find any other type of website for the sale and promotion of the goods listed in the registration for the Registered Mark.

6. Petitioner is damaged and will continue to be damaged by the existence of the Registered Mark on the Principal Register because the Registered Mark is an obstacle to Petitioner's registration of Petitioner's Mark in that the USPTO has refused registration of Petitioner's Mark on the grounds that it is likely to be confused with the Registered Mark.

7. Petitioner requests that the Registered Mark be cancelled in its entirety under Section 14(3) of the Lanham Act, 15 U.S.C. §1064(3), on the ground that the Registered Mark has clearly been abandoned by Registrant.

///

///

///

WHEREFORE, Petitioner prays that Registration No. 4,129,761 be canceled due to abandonment pursuant to Section 14 of the Lanham Act, 15 U.S.C. §1064, and prays that this Petition for Cancellation be sustained in favor of Petitioner and that judgment be entered against Registrant.

Respectfully submitted,

KEVIN ALAN TUSSY

Dated: June 13, 2017

/Ryan Gile/

Ryan Gile, Esq.

Weide & Miller, Ltd.

7251 W. Lake Mead Blvd., Ste. 530

Las Vegas, NV 89128

Tel.: (702) 382-4804

Fax: (702) 382-4805

Attorney for Petitioner Kevin Alan Tussy

EXHIBIT 1

EXHIBIT 1

Generated on: This page was generated by TSDR on 2017-06-12 20:26:03 EDT

Mark: IGOTCHA

IGOTCHA

US Serial Number: 87076102

Application Filing Date: Jun. 17, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

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 final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Apr. 27, 2017

Mark Information

Mark Literal Elements: IGOTCHA

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: Cell phone cases

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Tussy, Kevin Alan

Owner Address: 1707 Village Center Circle, Ste. 200
Las Vegas, NEVADA UNITED STATES 89134

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Ryan Gile
Attorney Primary Email Address: RGile@WeideMiller.com
Docket Number: KALAN.0085T
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: RYAN GILE
WEIDE & MILLER, LTD.
7251 WEST LAKE MEAD BLVD., SUITE 530
LAS VEGAS, NEVADA UNITED STATES 89128
Phone: (702) 382-4804
Correspondent e-mail: RGile@WeideMiller.com
Fax: (702) 382-4805
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 27, 2017	NOTIFICATION OF FINAL REFUSAL EMAILED	
Apr. 27, 2017	FINAL REFUSAL E-MAILED	
Apr. 27, 2017	FINAL REFUSAL WRITTEN	92826
Mar. 29, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 28, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 28, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 30, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 30, 2016	NON-FINAL ACTION E-MAILED	6325
Sep. 30, 2016	NON-FINAL ACTION WRITTEN	92826
Sep. 26, 2016	ASSIGNED TO EXAMINER	92826
Jun. 24, 2016	NOTICE OF PSEUDO MARK E-MAILED	
Jun. 23, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 21, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CALLERY, TIMOTHY JOHN
Law Office Assigned: LAW OFFICE 121

File Location

Current Location: TMO LAW OFFICE 121 - EXAMINING ATTORNEY ASSIGNED
Date in Location: Apr. 27, 2017

EXHIBIT 2

EXHIBIT 2

Generated on: This page was generated by TSDR on 2017-06-12 20:05:02 EDT

Mark: IGOTYOU

iGotYou

US Serial Number: 85290341

Application Filing Date: Apr. 08, 2011

US Registration Number: 4129761

Registration Date: Apr. 17, 2012

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

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: Apr. 17, 2012

Publication Date: Sep. 06, 2011

Notice of Allowance Date: Nov. 01, 2011

Mark Information

Mark Literal Elements: IGOTYOU

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: Portable rotatable holder especially adapted for use with handheld mobile digital electronic computer and wireless communication devices

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 25, 2011

Use in Commerce: Apr. 25, 2011

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Yu Kuen Technology Ltd., Co.

Owner Address: 4F.-3, No.498, Bannan Rd., Zhonghe Dist.
New Taipei City TAIWAN 235

Legal Entity Type: CORPORATION

State or Country TAIWAN
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Justin King

Docket Number: 18906-590TR

Attorney Primary trademarkva@wpat.com
Email Address:

Attorney Email No
Authorized:

Correspondent

Correspondent Justin King
Name/Address: WPAT, P.C.
8230 BOONE BLVD, SUITE 405
Vienna, VIRGINIA UNITED STATES 22182

Phone: 7036844411

Fax: 7038807487

Correspondent e- trademarkva@wpat.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 17, 2017	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Jun. 01, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 17, 2012	REGISTERED-PRINCIPAL REGISTER	
Mar. 10, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 09, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	73296
Mar. 06, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 05, 2012	STATEMENT OF USE PROCESSING COMPLETE	76873
Feb. 06, 2012	USE AMENDMENT FILED	76873
Mar. 02, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Feb. 06, 2012	TEAS STATEMENT OF USE RECEIVED	
Nov. 01, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 06, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 06, 2011	PUBLISHED FOR OPPOSITION	
Aug. 02, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Jul. 29, 2011	ASSIGNED TO LIE	73296
Jul. 15, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 15, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 15, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 15, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 15, 2011	EXAMINERS AMENDMENT -WRITTEN	74781
Jul. 11, 2011	ASSIGNED TO EXAMINER	74781
Apr. 13, 2011	NOTICE OF PSEUDO MARK MAILED	
Apr. 12, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 12, 2011	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. 09, 2012

EXHIBIT 3

EXHIBIT 3



IGotYou IPAD Holder

@lpadGot

Unique Ipad holder product that allows you to use the Ipad in almost any situation

ipadholders.co.uk

Joined August 2011

TWEETS 4 FOLLOWING 1 FOLLOWERS 5

Have an account?

Phone, email or username

Password

Remember me · [Forgot password?](#)

Log in

New to Twitter?

Sign up

Tweets Tweets & replies

IGotYou IPAD Holder @lpadGot · 23 Sep 2011
Only £8 which includes postage and packaging for these unique holders/stands!!

IGotYou IPAD Holder @lpadGot · 29 Aug 2011
New site is launched www.ipadholders.co.uk

IGotYou IPAD Holder @lpadGot · 21 Aug 2011
The new site is on its way. Should be ready this week sometime!!
ipadholders.co.uk

IGotYou IPAD Holder @lpadGot · 18 Aug 2011
Welcome to the site of the "I Got You" IPAD holder

New to Twitter?

Sign up now to get your own personalized timeline!

Sign up

You may also like · Refresh

Sherry Chang
@AngeLxLoveR

Arch Scaffolding
@ArchScaffolding

EXHIBIT 4

EXHIBIT 4



Web Server's Default Page

This page is generated by [Parallels Plesk](#), the leading hosting automation software. You see this page because there is no Web site at this address.

You can do the following:

- Create domains and set up Web hosting using Parallels Plesk.

New to [Parallels](#)?

Parallels is a worldwide leader in virtualization and automation software that optimizes computing for consumers, businesses, and Cloud services providers across all major hardware, operating systems, and virtualization platforms.

For the Cloud, Parallels automation and virtualization software enables cloud services providers to rapidly and profitably deliver the widest range of cloud services that small businesses want and need. Our software includes key building blocks of cloud service delivery - self service control panels, billing, cloud service provisioning and virtualization. We enable the delivery of all types of services that small businesses need - shared web hosting and web applications, messaging and collaboration services, virtualized infrastructure services and thousands of other applications.

Our Automation products allow businesses to optimize their systems to maximize profit. Our Virtualization products allow personal computers to run several operating systems on one computer (like OSX and Windows) and for individual servers to function like many servers at once for creating cloud computing environments.

This website was created using our Parallels Plesk product. We offer a full line of Billing, Sitebuilder and cloud computing tools. Please visit www.parallels.com to find out more information.

Consumer Products

[Parallels® Desktop for Mac](#)



The best solution for running Windows, Linux, or any of many other operating systems alongside OS X.

[Parallels® Desktop for Windows and Linux](#)



Simultaneously run multiple operating systems on your PC

Service Provider Products

[Parallels® Automation](#)



Hosting, SaaS, and cloud computing automation solution.

[Parallels® Plesk](#)



The Best Control Panel Ever For Easy, Complete and Profitable Hosting