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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 has filed a petition to cancel the registration indicated below.

## Petitioner Information

| | | | |
|---|---|---|---|
| Name | RoundPoint Mortgage Servicing Corporation | | |
| Entity | Corporation | Citizenship | Florida |
| Address | 5016 Parkway Plaza Boulevard<br>Buildings 6 and 8<br>Charlotte, NC 28217<br>UNITED STATES | | |

| | |
|---|---|
| Attorney information | Lori T. Milvain<br>Latham, Shuker, Eden & Beaudine, LLP<br>111 N. Magnolia Ave., Suite 1400<br>Orlando, FL 32801<br>UNITED STATES<br>Email: lmilvain@lseblaw.com<br>Phone: 407-481-5813 |

## Registration Subject to Cancellation

| | | | |
|---|---|---|---|
| Registration No. | 4807511 | Registration date | 09/08/2015 |
| Registrant | Pentagon Federal Credit Union<br>2930 Eisenhower Avenue<br>Alexandria, VA 22314<br>UNITED STATES | | |

## Additional Registrant Information

| | |
|---|---|
| Additional registrant information provided by the petitioner | Email: william.heyer@penfed.org |

## Goods/Services Subject to Cancellation

Class 036. First Use: 2015/01/01 First Use In Commerce: 2015/01/01
All goods and services in the class are subject to cancellation, namely: Credit union services; Credit unions

## Grounds for Cancellation

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|---|---|
| Priority and likelihood of confusion | Trademark Act Sections 14(1) and 2(d) |

## Mark Cited by Petitioner as Basis for Cancellation

| | | | |
|---|---|---|---|
| U.S. Registration No. | 4571735 | Application Date | 12/12/2013 |

| | | | |
|---|---|---|---|
| Registration Date | 07/22/2014 | Foreign Priority Date | NONE |
| Word Mark | ROUNDPOINT | | |
| Design Mark | | | |
| Description of Mark | The mark consists of two pentagons intertwined to the left of the word "ROUND-POINT". | | |
| Goods/Services | Class 036. First use: First Use: 2013/07/31 First Use In Commerce: 2013/07/31<br>Financial services, namely, mortgage planning; Home appraisal services; Insurance agencies; Loan financing; Mortgage banking services, namely, origination, acquisition, servicing, securitization and brokerage of mortgage loans; Mortgage lending; Mortgage procurement for others; Real estate agencies; Real estate appraisal and valuation; Real estate brokerage | | |

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|---|---|
| Attachments | 86142147#TMSN.png( bytes )<br>Petition to Cancel 101617.pdf(166412 bytes ) |

| | |
|---|---|
| Signature | /ltm/ |
| Name | Lori T. Milvain |
| Date | 10/16/2017 |

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED ELECTRONICALLY TO THE TTAB THROUGH ESTTA.

By: _____

Date: October 16, 2017

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

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ROUNDPOINT MORTGAGE SERVICING CORPORATION,

Petitioner,

v.

PENTAGON FEDERAL CREDIT UNION,

Registrant.

Cancellation No.: _____

Registration No. 4807511

Mark: PENFED CREDIT UNION

Registration Date: September 8, 2015

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I HEREBY CERTIFY that this correspondence is being filed electronically with the Trademark Trial and Appeal Board, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on the date set forth below.

October 16, 2017
Date of signature and of electronic filing

By: _____
Lori T. Milvain

## PETITION TO CANCEL

RoundPoint Mortgage Servicing Corporation, a Florida corporation, of 5016 Parkway Plaza Boulevard, Buildings 6 and 8, Charlotte, North Carolina 28217 (hereinafter referred to as "Petitioner"), by its undersigned counsel, files this Petition for Cancellation of the above-referenced trademark, and as grounds therefor states:

1. Petitioner has been engaged in, and continues to be engaged in, the provision of financial services, namely, mortgage planning; home appraisal services; insurance agencies; loan financing; mortgage banking services, namely, origination, acquisition, servicing, securitization and brokerage of mortgage loans; mortgage lending; mortgage procurement for others; real estate agencies; real estate appraisal and valuation; real estate brokerage and related banking services (the "Services").

2. Petitioner has been using the ROUNDPOINT trademark (the "Mark") for the Services since at least as early as July, 2013 and has a current and continuing intent to use the mark for the Services.

3. Petitioner is the owner of a federal trademark registration for the Mark, ROUNDPOINT, filed on December 12, 2013 and registered on July 22, 2014 under Registration No. 4571735 for the Services (the "Registration"). A true and correct copy of Petitioner's prior Registration is attached as ***Exhibit "A."***

4. It recently came to Petitioner's attention that Pentagon Federal Credit Union, 2930 Eisenhower Avenue, Alexandria, Virginia 22314, ("Registrant") is using and obtained a federal registration for the mark, PENFED CREDIT UNION, filed on January 14, 2015 and registered on September 8, 2015 under Registration No. 4807511 for the similar services of credit union services and credit unions.

5. Petitioner's use of its Mark began at least as early as July 31, 2013.

6. Registrant's use of PENFED CREDIT UNION, according to Registrant's trademark application, began on January 1, 2015, well after Petitioner's use began.

7. Petitioner has priority over Registrant because Petitioner is the owner of Registration No. 4571735 with an underlying filing date of December 12, 2013 prior to any date of first use by Registrant.

8. As part of its credit union services, Registrant uses the PENFED CREDIT UNION mark for the provision of mortgage loans and lending and related services, identical to those provided by Petitioner using the Mark.

9. Registrant is using PENFED CREDIT UNION in the same font and same color blue as those used by Petitioner in its Mark.

10. Registrant's PENFED CREDIT UNION mark so resembles Petitioner's ROUNDPOINT Mark, as to be likely, when used on or in connection with the services of the Registrant, to cause confusion, or to cause mistake, or to deceive because the designs are similar and are being used in similar fonts and colors. 15 U.S.C. § 1052(d).

11. If Pentagon Federal Credit Union's mark is allowed to remain on the Principal Register, Petitioner will be damaged.

WHEREFORE, Petitioner respectfully requests that Registration No. 4807511 be

cancelled, and that this Petition be sustained.

RoundPoint Mortgage Servicing Corporation

Dated: October 16, 2017

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(407) 481-5801 (fax)
Attorneys for Petitioner

# United States of America
## United States Patent and Trademark Office

ROUNDPOINT

**Reg. No. 4,571,735**

**Registered July 22, 2014**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

ROUNDPOINT FINANCIAL GROUP, INC. (FLORIDA CORPORATION)
5032 PARKWAY PLAZA BLVD., SUITE 200
CHARLOTTE, NC 28217

FOR: FINANCIAL SERVICES, NAMELY, MORTGAGE PLANNING; HOME APPRAISAL SERVICES; INSURANCE AGENCIES; LOAN FINANCING; MORTGAGE BANKING SERVICES, NAMELY, ORIGINATION, ACQUISITION, SERVICING, SECURITIZATION AND BROKERAGE OF MORTGAGE LOANS; MORTGAGE LENDING; MORTGAGE PROCUREMENT FOR OTHERS; REAL ESTATE AGENCIES; REAL ESTATE APPRAISAL AND VALUATION; REAL ESTATE BROKERAGE, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-31-2013; IN COMMERCE 7-31-2013.

OWNER OF U.S. REG. NOS. 3,595,914 AND 3,595,923.

THE MARK CONSISTS OF TWO PENTAGONS INTERTWINED TO THE LEFT OF THE WORD "ROUNDPOINT".

SER. NO. 86-142,147, FILED 12-12-2013.

JORDAN BAKER, EXAMINING ATTORNEY

UNITED STATES PATENT AND TRADEMARK OFFICE · DEPARTMENT OF COMMERCE

Michelle K. Lee

**Deputy Director of the United States Patent and Trademark Office**

Exhibit "A"