

ESTTA Tracking number: **ESTTA855256**

Filing date: **10/30/2017**

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 has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	FanFaves, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	P.O. Box 701022 Dallas, TX 75370 UNITED STATES		

Attorney information	Patricia Q. Hu Munck Wilson Mandala LLP P.O. Drawer 800889 Docket Clerk Dallas, TX 75380 UNITED STATES Email: ttab@munckwilson.com, trademarks@dalpat.com Phone: 9726283600
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Registration Subject to Cancellation

Registration No.	4372710	Registration date	07/23/2013
Registrant	FANHATTAN, INC. 489 S. EL CAMINO REAL SAN MATEO, CA 94402 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2011/09/00 First Use In Commerce: 2011/09/00 All goods and services in the class are subject to cancellation, namely: software programs for sharing preferences regarding movies and television programs

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition to Cancel FANFEED -signed.pdf(32572 bytes) Exhibit A-H.pdf(954908 bytes)
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Signature	/PQH-jads/
Name	Patricia Q. Hu
Date	10/30/2017

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

FanFaves, Inc.,	:		
		:	
Petitioner,		:	Cancellation No.
		:	
v.		:	
		:	Registration No: 4,372,710
FANHATTAN, INC.		:	Mark: FANFEED
		:	
Respondent.		:	
		:	

PETITION FOR CANCELLATION

Petitioner FanFaves, Inc. (“Petitioner”) hereby requests that the Trademark Trial and Appeal Board cancel U.S. Trademark Registration No. 4,372,710 for the mark FANFEED, issued to FANHATTAN, LLC, later merged into FANHATTAN, INC. (“Respondent”) on July 23, 2013. The grounds asserted by Petitioner for cancellation are as follows:

PARTIES

1. Petitioner is a Delaware corporation with its principal place of business in Dallas, Texas.
2. On information and belief, Respondent is a Delaware corporation doing business in San Mateo, California.
3. Petitioner has a pending application (U.S. Application No. 87/322,709) and a bona fide intent to use the word mark FANFEED in connection with, “Computer services, namely, providing an interactive website featuring temporary use of non-downloadable software technology that allows users to search for, consolidate, and manage content from social networks, accounts, and connections to existing and emerging application programming interfaces (APIs), and for creating an on-line community for registered users to get feedback

from their peers, form virtual communities, and engage in social networking featuring social media services and topics of general interest to such users; Software services, namely, providing temporary use of non-downloadable software in the nature of a search platform to allow users to request information on various topics, providing temporary use of non-downloadable software that allows users to aggregate information from multiple sources, and providing temporary use of non-downloadable software for creating and sharing custom webpages; Scientific and technological services, namely, research and design in the fields of computer networking, computer programming, and computer software design; Industrial analysis and industrial research services in the fields of computer networking, computer programming, and computer software design; Design and development of computer hardware and software,” in International Class 42 (as amended).

4. Petitioner also owns several “FAN” related applications covering services in Class 42 for the marks FANFAVES, FANFAVES & Design and FANCAST. See Exhibits A-C.

PETITIONER’S MARK

5. Petitioner has filed the following U.S. Trademark Application to register the word mark “FANFEED” for use in connection with the services below:

Trademark Application	Serial No.	Full Goods/Services
FANFEED	87/322,709	(Int'l Class: 42) Computer services, namely, providing an interactive website featuring temporary use of non-downloadable software technology that allows users to search for, consolidate, and manage content from social networks, accounts, and connections to existing and emerging application programming interfaces (APIs), and for creating an on-line community for registered users to get feedback from their peers, form virtual communities, and engage in social networking featuring social media services and topics of general interest to such users; Software services, namely, providing temporary use of non-downloadable software in the nature of a search platform to allow users to request information on various topics, providing temporary use of non-downloadable software that allows users to aggregate information from multiple sources, and providing temporary use of non-downloadable software for creating and sharing custom webpages; Scientific and technological services, namely, research and design in the fields of computer networking, computer programming, and computer software design; Industrial analysis and industrial research services in the fields of computer networking, computer programming, and computer software design; Design and development of computer hardware and software

(“Petitioner’s Application”).

RESPONDENT’S REGISTRATION

6. Respondent’s registration was issued on July 23, 2013 for “software programs for sharing preferences regarding movies and television programs.” in International Class 09.

7. Respondent's FANFEED registration consists of a standard word mark. A copy of the '710 registration is attached at Exhibit D.

8. In its registration, Respondent states that the first use of Respondent's Mark for the services listed in the '710 registration was September 2011.

9. During prosecution of its application, Respondent provided a specimen of use of the mark used in connection with the services. The specimen comprises of an image featuring a screen shot from a tablet showing the FAN FEED mark. A copy of the specimen is attached at Exhibit E.

10. Respondent's registration has been cited by the Examining Attorney as the basis to refuse registration of Petitioner's Application.

RESPONDENT'S ABANDONMENT OF ITS MARK

11. Based on independent investigation relating to the use of Respondent's Mark prior to the filing of this Petition for Cancellation, Petitioner is informed and believes Respondent's Mark is not being used in a bona fide trademark manner, for downloadable software identified in the '710 registration and Respondent has not engaged in a bona fide use of Respondent's Mark in connection with its services identified in the '710 registration for a number of years.

12. Based on independent investigation prior to the filing of this Petition for Cancellation, Petitioner is informed and believes that Respondent has ceased all commercial use of Respondent's Mark in association with the services identified in the '710 registration with no intent to resume any such use in the future. Specifically, Respondent's www.fanhattan.com website leads consumers to www.fantv.com. See Exhibits F and G. Further, as shown in

Exhibits G and H, it appears Respondent has re-branded their website and their application in the Apple iTunes store and is currently using the “FAN TV” mark in commerce.

13. Because Respondent has abandoned its FANFEED mark in connection with their goods in Class 9, Respondent’s Registration should be cancelled.

14. Respondent’s continued registration of the mark FANFEED may delay or impair Petitioner’s ability to register Petitioner’s FANFEED mark in connection with its Class 42 services and may prevent Petitioner from exercising exclusive control over the goodwill and reputation associated with the FANFEED mark. Therefore, Respondent’s continued registration would damage and injure Petitioner.

WHEREFORE, Petitioner prays this Petition for Cancellation be sustained and Registration No. 4,372,710 be cancelled.

Respectfully submitted,

FanFaves, Inc.



Dated: October 30, 2017

Gregory M. Howison
Patricia Q. Hu
Amanda Greenspon
Keith Harden
Munck Wilson Mandala
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trademarks@dalpat.com

ATTORNEYS FOR PETITIONER
FanFaves, Inc.

EXHIBIT A



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FANFAVES

Word Mark FANFAVES

Goods and Services IC 042. US 100 101. G & S: Computer and software services and scientific services; scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; non-downloadable software in the nature of computer services, namely, providing a search platform to allow users to request information on various topics; non-downloadable software for use by consumers, namely, providing a tool for aggregating information from multiple sources; computer services, namely, providing a platform for creating and sharing custom webpages

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87322691

Filing Date February 2, 2017

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) FanFaves, Inc. CORPORATION DELAWARE P.O. Box 701022 Dallas TEXAS 75370

Attorney of Record Keith D. Harden

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead LIVE

Indicator

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EXHIBIT B



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Word Mark FANFAVES

Goods and Services IC 042. US 100 101. G & S: Computer services, namely, providing an interactive website featuring temporary use of non-downloadable software technology that allows users to search for, consolidate, and manage content from social networks, accounts, and connections to existing and emerging application programming interfaces (APIs), and for creating an on-line community for registered users to get feedback from their peers, form virtual communities, and engage in social networking featuring social media services and topics of general interest to such users; Software services, namely, providing temporary use of non-downloadable software in the nature of a search platform to allow users to request information on various topics, providing temporary use of non-downloadable software that allows users to aggregate information from multiple sources, and providing temporary use of non-downloadable software for creating and sharing custom webpages; Scientific and technological services, namely, research and design in the fields of computer networking, computer programming, and computer software design; Industrial analysis and industrial research services in the fields of computer networking, computer programming, and computer software design; Design and development of computer hardware and software

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.09.21 - Squares that are completely or partially shaded

Serial Number 87128472

Filing Date August 5, 2016

Current Basis 1B

Original Filing Basis 1B

Published for September 12, 2017

Opposition**Owner** (APPLICANT) **FanFaves**, Inc. CORPORATION DELAWARE P.O. Box 701022 Dallas TEXAS 75370**Attorney of Record** Gregory M. Howison**Description of Mark** The color(s) green, white and black is/are claimed as a feature of the mark. The mark consists of a solid green stylized square with the top left corner and bottom right corner of the square having a rounded edge. A fanciful white colored "F" design is positioned in the center of the green-colored square with the letter "F" consisting of a longer white colored horizontal line connected to a white colored vertical line forming the outer edge of the letter "F". A second shorter white colored horizontal line is positioned below the top horizontal line and a third short white colored line is connected to a shorter vertical line to form the inner edge of the letter "F". The stylized words "**FANFAVES**" is positioned to the right of the "F" design with the letters "FAN" shown in green colored font and the letters "FAVES" in black colored font.**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

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FANCAST

Word Mark FANCAST

Goods and Services IC 042. US 100 101. G & S: Computer and software services and scientific services; scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; non-downloadable software in the nature of computer services, namely, providing a search platform to allow users to request information on various topics; non-downloadable software for use by consumers, namely, providing a tool for aggregating information from multiple sources; computer services, namely, providing a platform for creating and sharing custom webpages

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87322736

Filing Date February 2, 2017

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) **FanFaves, Inc.** CORPORATION DELAWARE P.O. Box 701022 Dallas TEXAS 75370

Attorney of Record Keith D. Harden

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead LIVE

Indicator

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FANFEED

Word Mark	FANFEED
Goods and Services	IC 009. US 021 023 026 036 038. G & S: software programs for sharing preferences regarding movies and television programs. FIRST USE: 20110900. FIRST USE IN COMMERCE: 20110900
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85979404
Filing Date	October 5, 2011
Current Basis	1A
Original Filing Basis	1A;1B
Published for Opposition	March 20, 2012
Registration Number	4372710
Registration Date	July 23, 2013
Owner	(REGISTRANT) Fanhattan LLC LIMITED LIABILITY COMPANY DELAWARE 489 S. El Camino Real San Mateo CALIFORNIA 94402 (LAST LISTED OWNER) FANHATTAN, INC. CORPORATION DELAWARE 489 S. EL CAMINO REAL SAN MATEO CALIFORNIA 94402
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Anne H. Peck

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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9 friends like this.

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David Ciemie...



Fred Morales



Nigel Benito...



Gilles BlanRosa



Franklin Naval



Like

Like this movie.



Post to your Wall



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CAST & CREW



J.J. Abrams as Director



Chris Pine as Kirk



Zachary Quinto as Spock



Eric Bana as Nero

EXHIBIT F

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Fan TV - Find where to watch streaming movies and tv shows online

www.fanhattan.com/

Find where to watch more than 1000000 movies and shows.

Fanhattan, Inc.: Private Company Information - Bloomberg

<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId...>

Fanhattan, Inc. provides cloud-based Fan TV products in the United States. The company's Fan TV integrates various sources of programming, such as linear ...

Fanhattan | TechCrunch

<https://techcrunch.com/tag/fanhattan/>

Video discovery startup Fanhattan is getting ready to change the way that viewers watch TV, with a new streaming set-top box that combines all of the best parts ...

Fanhattan Unveils Fan TV Set-Top Box With Live TV, DVR and ...

<https://thenextweb.com> › [Gadgets](#)

May 30, 2013 - Fanhattan is hoping to take over the living room with Fan TV, a ridiculously small set-top box that combines on-demand streaming, live TV and ...

Fan TV - Home | Facebook

<https://www.facebook.com/FanTV/>

New clip and London Premiere footage, right here on Fanhattan Voice.

<http://voice.fanhattan.com/2013/05/03/new-star-trek-clip-and-london-premiere-footage/> ...

Rovi Buys Fanhattan to Pitch Startup's Fan TV Box to Cable Operators ...

variety.com/.../rovi-buys-fanhattan-to-pitch-startups-fan-tv-box-to-cable-operators-12...

Nov 3, 2014 - Rovi, a provider of entertainment metadata and TV guide software, has acquired Fanhattan, a four-year-old startup that had seen limited ...

Fanhattan - Download.com

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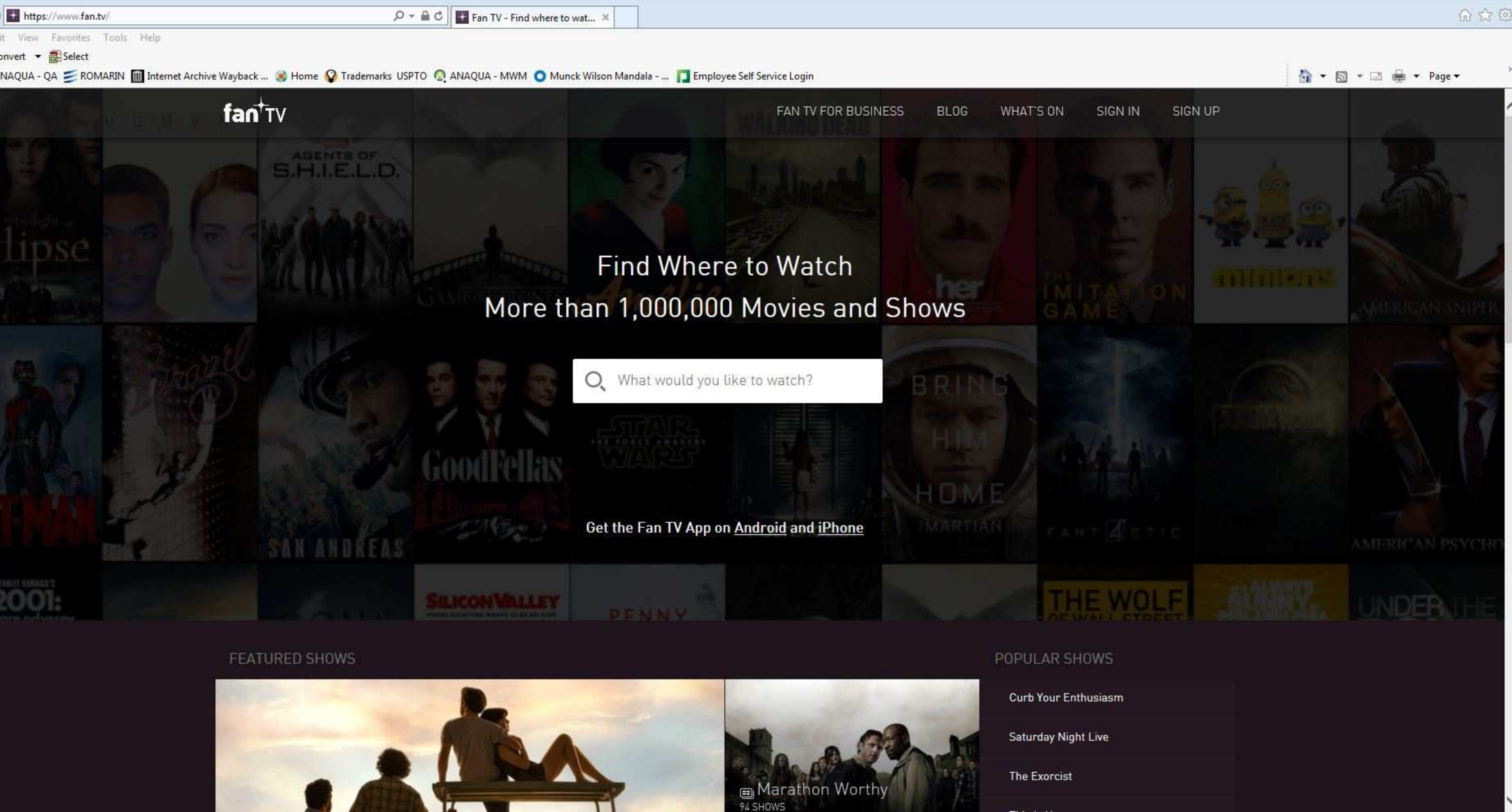
Vuze, Inc. (Company)

Parent organization: TiVo Corporation

Founder: Olivier Chalouhi



EXHIBIT G



Find Where to Watch More than 1,000,000 Movies and Shows

Get the Fan TV App on [Android](#) and [iPhone](#)

FEATURED SHOWS



Marathon Worthy
94 SHOWS

POPULAR SHOWS

Curb Your Enthusiasm

Saturday Night Live

The Exorcist

EXHIBIT H

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Hulu: Watch TV Shows & Mo...

Ad Hulu, LLC

Editors' Choice

★★★★☆ (4,751)



Offers Apple TV App

Enjoy all your TV in one place with a new Hulu experience – more personalized and intuitive than ever before....



Fan TV

Fanhattan

★★★★☆ (140)



Offers Apple TV App



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